

Planning and Rights of Way Panel (EAST)

Tuesday, 23rd June, 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 Denness (Chair)
Councillor Hecks
Councillor Tucker
Councillor Coombs
Councillor Wilkinson

Contacts

Democratic Support Officer
Sharon Pearson
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Planning and Development Manager
Simon Rowberry
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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

Planning and Rights of Way - EAST	
2015	2016
23 June 2015	19 January 2016
4 August	1 March
15 September	12 April
27 October	
8 December	

Planning and Rights of Way - WEST	
2015	2016
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 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 for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

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

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

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

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

2 **ELECTION OF VICE CHAIR**

To elect a Vice Chair to the Panel for the 2015/2016 Municipal Year.

3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

4 **STATEMENT FROM THE CHAIR**

5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the Meeting held on 5 May 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

6 **BITTERNE PARK PRIMARY SCHOOL, 15/00273/FUL**

(Pages 11 - 34)

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

7 **FORMER OAKLANDS SCHOOL, 15/00340/OUT**

(Pages 35 - 66)

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

8 366-368 SHIRLEY ROAD, 14/01608/FUL

(Pages 67 - 90)

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

9 FORMER MERIDIAN BROADCASTING SITE, RADCLIFFE ROAD, 14/01747/OUT

(Pages 91 - 176)

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

10 HARCOURT MANSIONS, 74 WHITWORTH CRESCENT, 15/00610/FUL

(Pages 177 - 226)

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

11 216 OAKWOOD DRIVE, 15/00271/FUL

(Pages 227 - 240)

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

12 86 WATERLOO ROAD, 15/00298/FUL

(Pages 241 - 254)

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

MONDAY, 15 JUNE 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 5 MAY 2015

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

Apologies: Councillors Fitzhenry

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

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

RESOLVED that the Minutes of the meeting held on 7 April 2015 be approved and signed as a correct record.

63. **46 PEARTREE AVENUE, 15/00141/FUL**

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

Internal and external alterations to facilitate conversion of the existing building from a Family Centre (Class D1) to nine flats comprising three x one-bed, five x two-bed and one x three-bed (Class C3) with associated parking and bin storage.

Mr and Mrs Sevier, Mr and Mrs Lisk (Local Residents/objecting), Councillor Keogh (Ward Councillor/objecting), Mrs Batley (Owner) and Mr Wiles (Agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the number of representations in Item 5.1 of the report should be 22 and not 24 as listed.

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement, the conditions listed in the report and the amended and additional conditions as set out below;
- (ii) that in the event that the legal agreement is not completed within two months of the Panel date the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 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.

Amended Condition

6. APPROVAL CONDITION - Landscaping [Pre-occupation Condition]

Notwithstanding the submitted details before the occupation of the units hereby approved a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; 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; a landscape management scheme. Furthermore, details of the method for removal of Japanese Knotweed present on the site shall be submitted and agreed in writing by the Local Planning Authority.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five 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 five years from the date of planting.

The approved hard and soft landscaping scheme for the whole site shall be carried out, including the removal of any Japanese Knotweed as agreed, 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 five 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.

Additional Condition

14 APPROVAL CONDITION - Window Improvement

Prior to the first occupation of the development hereby approved, the details of a larger window in the north elevation to replace the window shown on the approved plans serving the living room shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and thereafter retained whilst the building is in residential use.

Reason:

To ensure future occupiers have access to adequate outlook and light serving a habitable room.

RECORDED VOTE to grant planning permission.

FOR: Councillors Lewzey, Hecks and Tucker

AGAINST: Councillor Denness

64. **56/58 COBDEN AVENUE, 14/01908/FUL**

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

Erection of a part single, part two-storey four-bed detached house with rooms within roof space and a detached double garage, with alterations to access and boundary treatment, following demolition of existing garage.

Ms Partington (Local Resident/objecting) and Mr Plant (Applicant) were 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 the additional conditions set out below.

Amended Condition

8. APPROVAL CONDITION - Landscaping [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed hard and soft landscaping scheme and implementation timetable shall be submitted, which includes hard surfacing materials; 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; a landscape management scheme; and (as requested at the Planning and Rights of Way Panel on 5th May 2015) further details of screening vegetation along the site's western boundary using suitable species – including evergreen.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of five 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 five 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 five 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. Furthermore, to protect the privacy of the neighbouring occupiers.

Additional Condition

24. APPROVAL CONDITION – Roof Light Restriction

Prior to the insertion of the approved roof lights, or the first occupation of the dwelling hereby approved, (whichever comes first) a cross sectional plan of the roof space showing the finished floor level and the bottom/sill of the approved roof lights shall be submitted to and agreed in writing to the Local Planning Authority. The development shall then be implemented in accordance with the approved details before the dwelling is occupied and the roof lights shall thereafter be retained as agreed.

Reason:

To demonstrate that the roof lights will not afford any overlooking towards neighbouring residential property from the approved roof space

65. **20 ANSON DRIVE, 15/00041/OUT**

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, attached.

Erection of a two-storey, detached dwelling with associated parking and cycle/refuse storage (outline application seeking approval for access, appearance, layout and scale).

Mr Lee and Ms Caws (Local Residents/objecting) and Ms Jackman (Applicant) were 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 conditions set out below.

The presenting officer reported amendments to conditions regarding Code for Sustainable Homes as follows:

07. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

08. APPROVAL CONDITION - Energy & Water [performance condition]

Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

RECORDED VOTE to grant planning permission.

FOR: Councillors Lewzey and Tucker

AGAINST: Councillor Denness

ABSTAIN: Councillor Hecks

66. **BEDFORD HOUSE, AMOY STREET, 15/00465/DIS**

The Panel considered the report of the Planning and Development Manager recommending approval be granted for the discharge of Condition 25 – “Details and Samples of Building Materials to be Used (Pre-Commencement Condition)” for a proposed development at the above address.

Application for approval of details reserved by conditions 7 (construction environment management plan), 8 (material storage), 10 (cycle storage), 12 (public sewer protection), 22 (lighting), 23 (trees), 24 (ecological mitigation statement), 25 (materials), 26 (landscaping, lighting and means of enclosure) and 28 (demolition statement) of planning permission ref 14/01778/FUL for 18 houses.

RESOLVED

- (i) that the following materials be agreed and approved:
 - bricks: Cissbury, red multi stock;
 - fascia boards: UPVC, dark grey;
 - windows and doors: UPVC, dark grey;
 - gutters and downpipes: black UPVC;
 - hardsurfacing : central shared surface street paving: Aquasett – Cornish Natural; and
 - hardsurfacing: car parking spaces: Omega Flow – Charcoal.
- (ii) that the following materials be rejected:
 - roof tile: Weinerberger New Generation / interlocking slate; and

- (iii) that authority be delegated to the Planning and Development Manager to determine a revised roof tile (along the lines of an Eternit Slate or equivalent) and the other outstanding conditions listed in the above description of development.

RECORDED VOTE to grant approval for the discharge of Condition 25.

FOR: Councillors Lewzey, Hecks and Tucker
ABSTAIN: Councillor Denness

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 23rd June 2015 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
6	AG	DEL	15	15/00273/FUL Bitterne Park Primary School
7	SH	CAP	15	15/00340/OUT Former Oaklands School
8	MP	DEL	15	14/01608/FUL 366 - 368 Shirley Road
9	RP	DEL	15	14/01747/OUT Former Meridian Broadcasting Site, Radcliffe Road
10	MP	DEL	5	15/00610/FUL Harcourt Mansions, 74 Whitworth Crescent
11	LG/JT	CAP	5	15/00271/FUL 216 Oakwood Drive
12	LG/JT	CAP	5	15/00298/FUL 86 Waterloo Road

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

MP – Mat Pidgeon
JT – Jenna Turner
AG – Andy Gregory

SH – Stephen Harrison
RP – Richard Plume
LG – Laura Grimason

Southampton City Council - Planning and Rights of Way Panel

Report of Planning and Development Manager

Local Government (Access to Information) Act 1985

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

Applications:

Background Papers

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

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

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)

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

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

5. Documents relating to Highways and Traffic

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

- (g) Freight Transport Association - Design for deliveries
 - (h) DETR Traffic Advisory Leaflets (various)
6. Planning related Government Circulars in most common use
- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
 - (b) 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 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23 June 2015
Planning Application Report of the Planning and Development Manager**

Application address: Bitterne Park Primary School, Manor Farm Road			
proposed development: Demolition of part of existing school boundary wall, enclosure of existing playing field with new gates and fence (height 2.1m), stopping up of the existing footpath and diversion to new route around perimeter of the fence.			
Application number	15/00273/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	22.06.15	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received	Ward Councillors	Cllr White Cllr Baillie Cllr Inglis
Referred by:	Cllr White	Reason:	Level of public interest

Applicant: Bitterne Park Primary School	Agent: Capita
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The transfer of this land from public open space to use for educational purposes has been agreed by the Council's cabinet. Enclosure of this land will provide safe and clean playing fields for school use. There is sufficient un-restricted open space within Bitterne Park to meet the needs of the community and this development is subject to a community use agreement to allow community access into the enclosed area of playing fields outside of school hours. The proposed fencing is a suitable means of enclosure to playing fields and will not harmfully detract from the character and appearance of the area. Removal of the bird cherry is in line with the layout agreed by cabinet and 2:1 tree replacement will be

secured. Furthermore alterations to the footpath which is a public right of way will be subject to a stopping up diversion orders.

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

Policies - SDP1, SDP7 SDP9 and CLT3 of the City of Southampton Local Plan Review (as amended 2015) and CS11, CS13, CS21 and CS22 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

Appendix attached			
1	Development Plan Policies	2	2008 Cabinet Decision
3	Sport England		

Recommendation in Full

1. Delegate to the Planning and Development Manager to:

(i) Secure the Community Use Agreement to inform condition 02 and then:-

(ii) Refer the application to the National Planning Casework Unit in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England

Background

Bitterne Park Primary School, which currently has more than 600 pupils aged between the ages of 4 and 11 years, does not have any dedicated playing field space and has to use the adjoining playing fields within Riverside Park. This arrangement creates health and safety concerns for the school because there is risk of the public using the park whilst PE and other activities are taking place and the school has to manage this risk. Furthermore the area is used by dog walkers and some owners do not always take responsibility for disposing of dog excrement. In order to manage this health and safety risk the school seek to enclose the playing fields with secure fencing and gates to control access during term times.

On 29 September 2008, following community consultation, Cabinet agreed to the transfer of land from leisure services to Children's Services to allow 1.85 hectares of land at Riverside Park to be used by Bitterne Park Primary School. The cabinet approval allowed for the area to be enclosed with restricted public access subject to the securing of a community use agreement to allow controlled community access outside of school hours.

The existing low level means of enclosure does not restrict public access during school hours and although signage indicates 'No Dogs Allowed' the field is still regularly spoiled

by dog mess. The Cabinet Decision remains extant and has not been amended or revoked and the funding is now available to allow delivery of this project.

1.0 The site and its context

1.1 The application site comprises grassed open space located within Riverside Park and adjacent to Bitterne Park Primary. The open space is currently enclosed with low level fencing and used as school playing fields with unrestricted gated access to the public. A pedestrian footpath and public right of way runs between the school and the area of open space. The western boundary of the school is enclosed by a brick wall and pavilion building. Five trees are located adjacent to the school boundary. Two-storey housing which fronts River View Road is located to the south. The River Itchen is located to the west and park land is located to the north.

2.0 Proposal

2.1 The proposal seeks to replace the existing low level fencing and fully enclose the school playing fields with 2.1m height weld mesh fencing (powder coated green). The existing footpath (public right of way) between the western boundary of the school and playing fields would be stopped up and diverted with a new footpath running around the perimeter of the enclosed playing fields. The playing fields will have managed gated access with access to the community made available outside of school hours with details to be agreed through a Community Use Agreement.

2.2 The application also proposes changes to the school boundary with the existing pavilion to be demolished and two gated openings with steps introduced. An existing bird cherry tree would be removed to accommodate the new fencing.

3.0 Relevant Planning Policy

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

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

4.0 Relevant Planning History

4.1 There is no relevant planning history

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (10.4.15) and erecting a site notice (3.4.15). At the time of writing the report **54** representations have been received from surrounding residents (37 in support and 17 against). The following is a summary of the points raised:

Against

- 5.2 Access to the proposed fenced area should be made available to the general public and not just pre-booked clubs outside of school hours
Officer Response - The school have indicated that unrestricted public access will be made available during school holidays. However during term time the school requires controlled access for pre-booked clubs because there will be limited clean up time before next day use by the children. The pre-booked clubs will be responsible for unlocking/locking the gate.
- 5.3 Risk that the land could be sold off for development or used by the school for additional classrooms.
Officer Response - The land has been appropriated from leisure to education use but will still remain within council ownership . The cabinet resolution was to allow the land to be used as school playing fields and for community use outside of school hours.
- 5.4 The park has been used for dual school and community use.
Officer Response - The school require the proposed means of site enclosure to provide improved site security during school times and to prevent access for dog walkers during term time.
- 5.5 The school entrance should be returned to Manor Farm Road because it's extremely difficult to park within River View Road during peak drop-off and collection times
Officer Response - This is not a material consideration because this application is for the proposed means of enclosure of playing fields.
- 5.6 In light of the new footpath position could a new boundary fence be erected to the rear of the properties in River View Road
Officer Response - There will be no increased security risk to these properties because they currently back onto accessible parkland.
- 5.7 The proposed fencing is excessive in height and will have a visual impact on the park.
Officer Response - The weld mesh fencing is appropriate means of enclosure to playing fields whilst maintaining a sense of openness. The fencing will be powder coated green to respond to its setting.
- 5.8 The land was gifted to the people of Southampton by Lord Swaythling and the Council are custodians rather than owners of the land
Officer Response - The Council as landowner has appropriated the land to

education as approved by Cabinet. Challenge to land ownership is not a planning matter.

- 5.9 Practical issues in terms of managing public access outside of school hours. which groups get to use the space? who opens and locks the gate?
Officer Response - Pre-booked groups using the space outside of school hours during term times will be responsible for unlocking and locking the gates. The school will be responsible for managing booking and providing keys to user groups. A condition is recommended to secure the exact detail.
- 5.10 A public footpath and public park should have unlimited public access
Officer Response - The school require restricted access for health and safety reasons and this has been agreed by Cabinet. The re-routing of the public footpath will also require stopping up and diversion orders.
- 5.11 No proper consultation has been carried out with the people of Bitterne Park
Officer Response - Extensive consultation was carried out with the community prior to the cabinet decision in 2008. Furthermore this planning application has also been subject to extensive public consultation in line with national and local procedures.
- 5.12 Trees and vegetation will be lost as a result of this proposal
Officer Response - The bird cherry tree to be removed is in line with the layout approved by Cabinet. 2:1 tree replacement will be secured.
- 5.13 Impact on wildlife. Has a study been carried out?
Officer Response - The Council's Ecologist has raised no objection.
- 5.14 There is an outstanding rights of way issue that should be settled before this application is heard.
Officer Response - The stopping up and diversion of the footpath is included within the description of development and there are formal procedures that follow planning.
- 5.15 Bitterne Park recreation ground is a dog free area. No assistance has been forthcoming from the school to keep the area dog free.
Officer Response - It is not the responsibility of the school to enforce dog walking restrictions in the park
- 5.16 In 2009 SCC transferred the land area to Children's services from leisure and most residents were not aware of this.
Officer Response - Cabinet records indicate that extensive public consultation was carried out with the community. The decision is a public record.
- 5.17 How is the community use agreement going to be administered
Officer Response - The community use agreement is being progressed through consultation with the Friends of the Park, SCAPPS and Local Councillors. Unrestricted access to the park will be provided during school holidays and controlled access will be provided for pre-booked clubs outside of the school hours during term time. The school will be responsible for bookings during term time and user groups will be responsible for locking and unlocking the gate(s). A planning condition is recommended.

5.18 Proposals to demolish part of the school boundary wall will impact on school security
Officer Response - *The new openings in the wall will be gated to provide security for the school.*

5.19 The community use agreement should allow exclusive use for the school during school hours only.
Officer Response - *This would be covered in the Community Use Agreement*

5.20 Bitterne Park school and the recreation ground should be kept separate as land holdings
Officer Response - *It is understood that the Council have retained a buffer strip between the school and the enclosed playing fields to ensure the sites remain separate.*

5.21 Revised footpath will direct footfall nearer to the rear of housing within River View Road
Officer Response - *The footpath is located within an area which is currently available for public usage and will not create a demonstrably harmful increase in noise and disturbance.*

5.22 Why should the masses be deprived of a valuable green open space for the exclusive use of a few
Officer Response - *The school has indicated that the playing fields will be used by up to 600 children and the space will be available for community use outside of school hours. This is regarded as a suitable compromise.*

For
5.23 Dedicated green open space would really benefit the children of the school. This part of riverside Park is neglected and underused and there will be plenty of remaining open space within the park for general public use.

The proposed enclosed area would represent a small percentage of Riverside Park

The existing fencing is inadequate and in a poor state of repair

Enclosure of the area with managed access may lead to reduced vandalism within the area.

Representation from an existing pupil indicates there is always dog foul on these playing fields.

The revised pedestrian route will not lead to a longer pedestrian route because pedestrians have got the alternative option of walking along Manor Farm Road.

School outdoor play and physical activity should be promoted for the health and wellbeing of the children

The school is in need of safe, secure and green open space

Riverside Park has a huge problem with dog fouling and this is a health hazard for the children.

Despite the 'no dogs' signage dog walkers continue to exercise their dogs in this area. Sadly the existing fencing and access is not sufficient to keep the space clean and safe for school use.

The proposals to re-route the footpath would not greatly inconvenience the community.

The proposal has a thoughtful design

The Council should retain title and ownership of the land

5.24 Consultation Responses

5.25 **SCC Environmental Health (Pollution & Safety)** - No comments

5.26 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. Records maintained by SCC - Environmental Health Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;

- Former Landfill (Adj. to W)

These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. This department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

Officer Response - This is considered an unreasonable and unnecessary request given the land is already used as public playing fields. Limited excavation will take place to install the new footpath and fence posts and a condition requiring contractors to be vigilant for unsuspected contamination.

5.27 **SCC Ecology** – No objection to the proposed development provided free access to the land is maintained outside school hours.

If free access outside school hours cannot be provided, additional open space will be required to avoid recreational impacts on European sites along the coast and within the New Forest.

5.28 **Trees** – The application to erect a new fence line and the construction of a new footpath will have an impact to the trees on and adjoining the site. The position of the fence and new gate, on the southern section of the field, will require the removal of a Bird Cherry (Capita Proposed Landscape Plan CS/076629 - Dated 23.01.2015)

The tree officer does not in support of the removal of the cherry as the repositioning of the gate further north of its intended position would see it being retained. The boundary fence could follow a line on the field and then turn off towards the school once clear of the tree and outside of the RPA.

Saying this, further consideration should be given to the canopy height and extent of any existing tree on the site. The tree officer is not in support of the reduction of

one face of a tree canopy of the removal of lateral limbs to make allowances for the installation of a 2.1m fence. This will also put pressure on the City Council to maintain a good clearance from the fence in the future.

The removal of the old pavilion must be done with care so as not to damage any roots within the area. Once completed and the bank has built back up to match the existing levels, there is an opportunity to plant further trees in this area to keep the linear planting along the footpath edge.

The construction of the proposed footpath will enter the RPA of several trees, therefore a method statement will be required as a standard construction of a footpath will not be acceptable inside of the RPA.

Overall, the tree officer feels that the design is detrimental to the trees on the site and wish to see an alternative design to take in to account the retention of the Bird cherry. Further information is required to show the level of work that would be required to erect a 2.1m fence around the boundary and information regarding the construction that would be employed to build the proposed footpath.

Officer Response - The fence line follows the layout approved by cabinet in 2008. 2:1 tree replacement will be secured.

5.29 **Environment Agency** – No objection and request an informative regarding flood defense consent.

5.30 **Sport England** – See Appendix 3 - Objection raised

Officer Response - The fence line follows the layout of the land transferred to education in 2008. The school does not have control of the run off areas surrounding the sports pitches. The indicative layout shows run off areas around the football pitches within the enclosed area. The school intend to use the playing fields for multiple sports use (Junior sized football pitches, 5-a-side pitches, athletics track and rounders pitch). The size and shape of the run-off areas do not provide particularly usable space for sports pitches, rather provide an open space setting.

5.31 City of Southampton Society - No objection however the City council should retain title and ownership of the land.

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

6.3 The enclosure of these playing fields and transfer from the Council's leisure services to Children's services was approved by Cabinet in 2008, subject to the securing of a community use agreement to allow managed community use of the space outside of school hours and the scheme being referred to Sport England. The land will remain in use as open space and therefore the proposal accords with 'saved' policy CLT3 of the Local Plan Review and policy CS21 of the Core Strategy. The school require the proposed fencing for health and safety reasons in order to restrict public access when in use by children and also to prevent dogs spoiling on the playing fields during term times.

It is considered that sufficient unrestricted open space would still be available within Riverside Park to meet the needs of the community and the community use agreement will allow unrestricted public access of this area during school holidays and controlled booking outside of school hours during term times. On balance, the health and safety needs of the school children is considered to outweigh the restriction of public access during term times/school hours. A balance is needed between public access to open space and safe access for children attending the school.

6.4 The Community Use Agreement is being progressed following consultation with the Friends of Bitterne Park, SCAPPS and local ward Councillors. It is recommended that delegation be given to the Planning and Development Manager to agree the Community Use Agreement before granting planning permission.

6.5 Of significance to the principle of this development is the comments from Sport England. Whilst accepting the principle of the development, Sport England have objected and wish to see the enclosed area be extended to include a larger area of playing fields with the run-off areas to the side included. However these areas are located outside of the area appropriated to Children's Services. Incorporation of the run-off areas would result in a larger area restricted for general public use during school hours. The indicative layout shows run off areas around the football pitches within the enclosed area. The school intend to use the playing fields for multiple sports use (Junior sized football pitches, 5-a-side pitches, athletics track and rounders pitch). The size and shape of the run-off areas do not provide particularly usable space for sports pitches, rather provide an open space setting. If the planning panel supports the officer recommendation, the application will have to be referred to the National Planning Casework Unit in accordance with with The Town and Country Planning (Consultation) (England) Direction 2009 whilst there is objection from Sport England. The decision will then be taken by the National Planning Casework Unit / Secretary of State as to whether this application should be approved or not. There is the possibility that the Secretary of State decides to consider this application and this would follow a public inquiry.

6.6 Impact on the Character and Appearance of the Area

The proposed 2.1m height weld mesh fencing follows the layout as approved by cabinet. The proposed weld mesh fencing is a suitable means of enclosure to playing fields and will be powder coated green to respond to the surrounding parkland context. The fencing will provide improved health and safety during school use and the mesh fencing will have a degree of permeability to maintain a sense of openness.

7.0 Summary

7.1 The transfer of this land from public open space to use for educational purposes has been agreed by the Council's cabinet. Enclosure of this land will provide safe and clean playing fields for school use. There is sufficient un-restricted open space within Bitterne Park to meet the needs of the community and this development is subject to a community use agreement to allow community access into the enclosed area of playing fields outside of school hours. The proposed fencing is a suitable means of enclosure to playing fields and will not harmfully detract from the character and appearance of the area. Despite this the scheme has attracted an objection from Sport England.

8.0 Conclusion

8.1 The application should be supported and referred to the National Planning Casework Unit following the objection from Sport England.

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

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

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

AG for 23/06/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Community Use Agreement

Access to the playing fields enclosed by the fencing and gates hereby approved shall be provided in accordance with the details of the agreed Community Use Agreement dated.....

Reason: To ensure the enclosed playing fields remain available to the community outside of school hours.

03. APPROVAL CONDITION - Fence

Unless otherwise agreed in writing the fencing hereby approved shall be not more than 2.1m in height and powder coated green and thereafter retained in that colour. Any existing redundant fencing within the red line shall be removed.

Reason: In the interests of the visual amenities of the area and to avoid clutter and obstruction of parkland outside the fencing hereby approved. .

04. 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.

05. APPROVAL CONDITION replacement trees [Pre-commencement Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme

implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

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

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

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

Reason

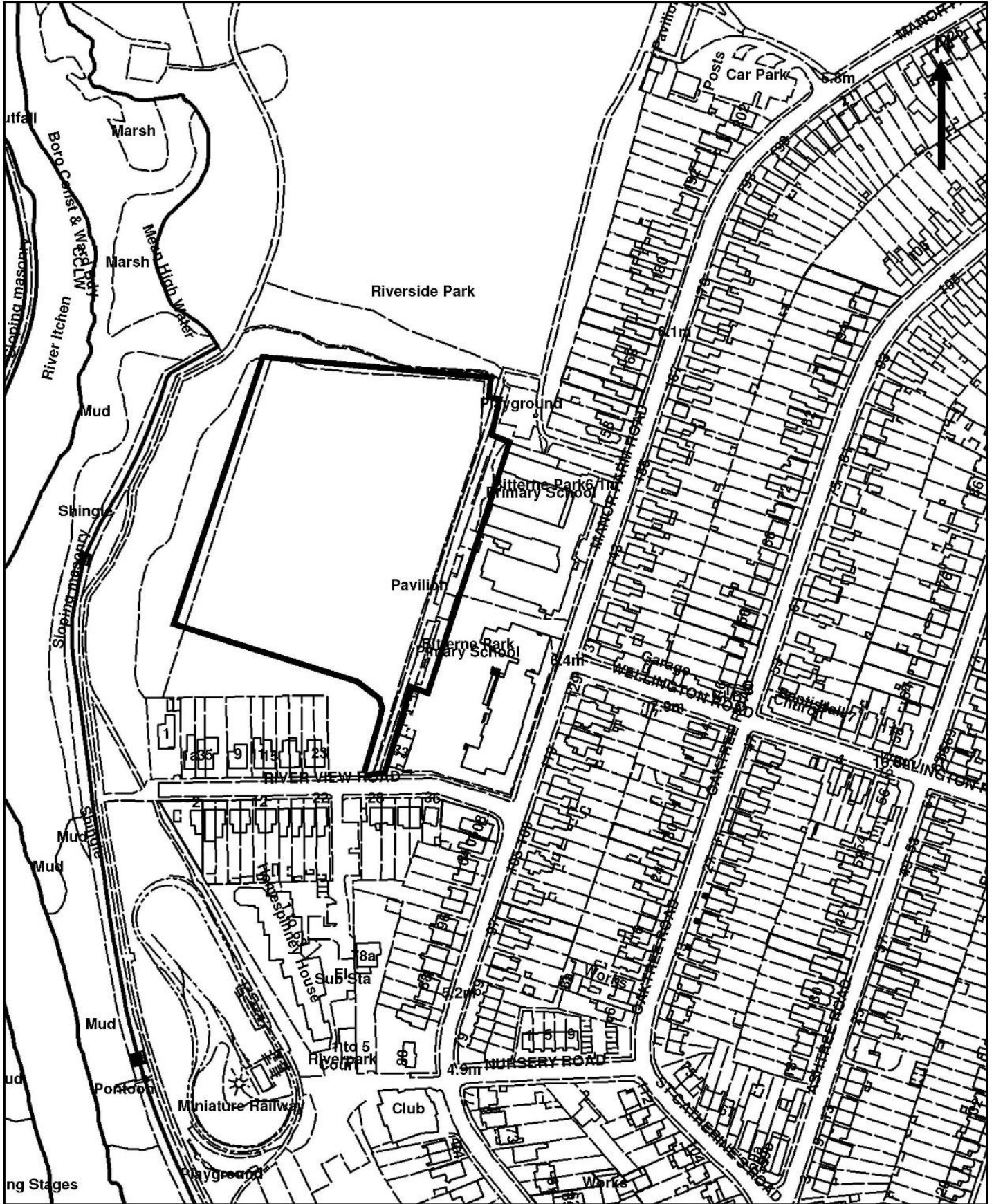
To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

10. APPROVAL CONDITION - Approved Plans

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

Reason:

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



Scale: 1:2,500

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Application 15/00273/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

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

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
CLT3	Protection of Open Spaces

Other Relevant Guidance

The National Planning Policy Framework (2012)

Decision No: CAB055 - 09/2008

Forward Plan No: CS03049

This record relates to A01 on the agenda for the Decision-Making

RECORD OF EXECUTIVE DECISION

29/09/2008

DECISION-MAKER:	THE CABINET
PORTFOLIO AREA:	Children's Services
SUBJECT:	Appropriation of Land at Riverside Park for use by Bitterne Park Infant, Junior and Secondary Schools
AUTHOR:	Richard Hards

THE DECISION

To approve the proposals / recommendations contained in the report without modification as set out below.

(i) That the appropriation of land shaded in green on the attached plan (Appendix 1) from public open space holding powers to use for Educational purposes under the Education Acts proceed to statutory consultation and advertisement and subject to receiving no objections such appropriation take place;

(ii) In the event that objections to the proposed appropriation are received, to submit those representations to Cabinet for final determination;

(iii) To authorise the Solicitor to the Council following consultation with the Executive Director for Children's Services and Learning and the Cabinet Member for Children's Services to do anything necessary to give effect to the above, including, but not limited to, carrying out statutory consultation processes;

(iv) To delegate authority to the Executive Director for Children's Services and Learning, in consultation with the Solicitor to the Council, to apply for all necessary consents, including but not limited to planning approval, in order to give effect to the proposals in this report;

(v) To authorise the erection of a security fence around the land, shaded in green, to ensure the safety of users;

(vi) To agree in principle to divert or stop up the public footpath shown on the attached plan; and

(vii) To delegate authority to the Solicitor to the Council to apply for stopping up or diversion orders under any legislation deemed by him to be appropriate and available in relation to the footway referred to in recommendation (vi) above in order to give effect to the proposals in this report.

REASONS FOR THE DECISION

1. The leisure land in question is next to Bitterne Park Infant and Junior Schools. The Schools can use the park but under the present arrangement this gives the schools great health and safety concerns. The schools have the potential risk of the public using the park whilst PE and other activities are taking place resulting in the schools having to manage that risk and having to ensure that the children are safe at all times. It should also be noted that the area is used for dog walking whose owners do not always take responsibility for disposing of dog excrement.

2. The schools intend to enter into a Community Use Agreement with Sport England so that organised community groups can use their pitches outside of school hours. The improvements to the pitches that the schools are funding and their ongoing management of the facilities will ensure the pitches are maintained in better condition than can currently be expected.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. Not to appropriate the land to Children's Services.
2. To fence off two pitches and make them "Bookable Space" with the schools having priority over bookings.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

CONFLICTS OF INTEREST

The decision-maker(s) did not declare a personal or prejudicial interest in the matters set out in the report

CONFIRMED AS A TRUE RECORD:

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date:

29/09/2008

Decision Maker:

The Cabinet

Proper Officer:

Judy Cordell

SCRUTINY

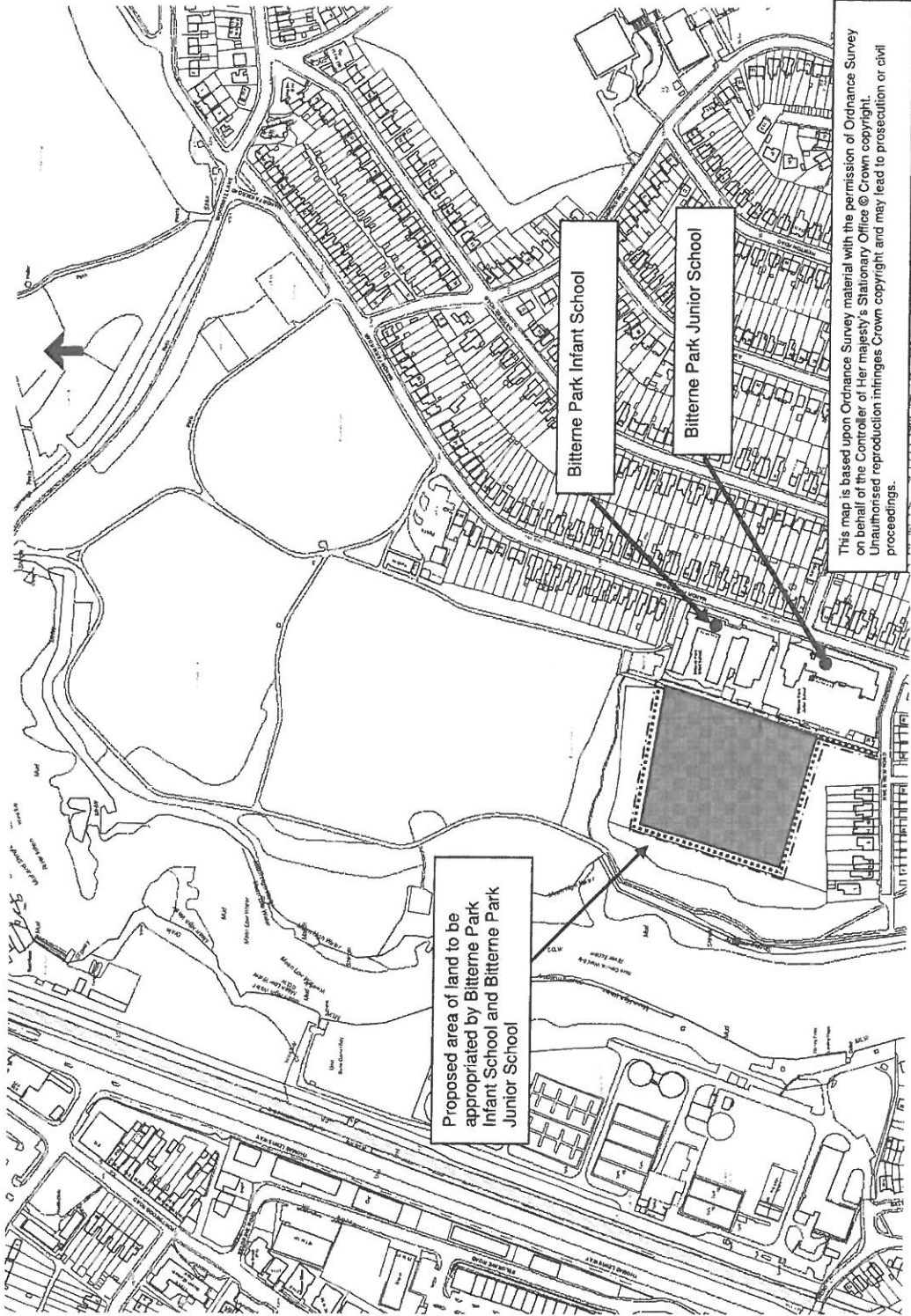
Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny 'Call-In' provisions.

Call-In Period

30 September 2008 to 07 October 2008

Date of Call-in *(if applicable) (this suspends implementation)*Call-in Procedure completed *(if applicable)*Call-in heard by *(if applicable)*Results of Call-in *(if applicable)*

**PROPOSED USE OF LAND AT RIVERSIDE PARK
Bitterne Park Infant & Bitterne Park Junior Schools**





Creating a sporting habit for life

Andrew Gregory
Southampton City Council
Ground Floor
Civic Centre
SOUTHAMPTON
SO14 7LS

07 April 2015

Our Ref: SE/SU/2015/39351/S

Dear Andrew Gregory,

App Ref: 15/00273/FUL
Site: 1 Copsewood Road Southampton SO18 1BU
Proposal: Demolition of part of existing school boundary wall, enclosure of existing playing field with new gates and fence (height 2.1m), stopping up of the existing footpath and diversion to new route around perimeter of the fence.

Thank you for consulting Sport England on the above application.

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184)

The consultation is therefore statutory and Sport England has considered the application in the light of the National Planning Policy Framework (in particular Par 74) and its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England (see link below).

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

Essentially Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies:

Sport England Policy	
Summary of Exceptions	
E1	An assessment has demonstrated that there is an excess of playing fields in the catchment and the site has no special significance for sport
E2	The Development is ancillary to the principal use of the playing field and does not affect the quantity/quality of pitches
E3	The Development only affects land incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch
E4	Playing field lost would be replaced with equivalent or better playing field in terms of quantity, quality and accessibility
E5	The proposed development is for an indoor/outdoor sports facility of sufficient benefit to sport to outweigh the detriment caused by the loss of playing field

Sport England, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF,
T: 020 7273 1777, E: planning.southeast@sportengland.org, www.sportengland.org



Sport England appreciates the rationale behind this proposal and does not object to the principle of fencing this playing field off in order to make it secure for the school use and keep it fit for purpose when made available to the community.

However the whole playing field provides a benefit to sport including all run off areas surrounding the two football pitches. The areas outside the pitch is often used as warm up and coaching whilst the pitch is in use. This proposal by reason of the location of the proposed fence would sever the run off areas surrounding both pitches and prevent their use for formal sport.

Consequently Sport England suggest the applicant relocate the proposed 2.1 green weldmesh perimeter fencing to the boundaries of the playing field and not across useable parts of the playing field. In particular the fence to the north should be alongside the path and not across the field. The fence to the south should be relocated as far away from the pitch as possible. It also requests that the proposed two new trees to the south of the pitches be removed from the scheme as they would prevent the pitches from being slightly relocated which is frequently don't to reduce wear and tear of goalmouths.

In light of the above, Sport England **objects** to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy. However Sport England would be pleased to reconsider amended plans which address the concerns raised above.

Should your Council be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance the application should be referred to the National Planning Casework Unit.

If you would like any further information or advice please contact the undersigned at the address below.

Yours sincerely



Heidi Clarke
Planner

T: 020 7273 1913

E: Heidi.Clarke@sportengland.org

Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23rd June 2015
Planning Application Report of the Planning and Development Manager**

Application address: Former Oaklands School			
Proposed development: Redevelopment of the site to provide 103 dwellings in two and three storey buildings (41 flats, 62 houses) with associated access, parking and landscaping (involves diversion of existing cycleway and footway - outline application seeking approval for access, layout, scale and landscaping)			
Application number	15/00340/OUT	Application type	OUT
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	21.07.2015 (MAJOR)	Ward	Coxford
Reason for Panel Referral:	Request by Ward Members and Major planning application subject to five or more letters of objection	Ward Councillors	Cllr Morrell Cllr Spicer Cllr Thomas
Referred by:	Cllr Morrell Cllr Thomas	Reason:	Car Parking Loss of Right of Way Affordable Housing

Applicant: Southampton City Council	Agent: Capita Property & Infrastructure
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Recommendation Summary	i) Conditionally approve ii) Confirmation of Right of Way Stopping Up & Diversion
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 23 June 2015. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the neighbouring Fairisle Schools at the start and end of the school day, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, and

application 15/00340/OUT should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (amended 2015) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, HE6, CLT3, CLT5, CLT6, CLT7, H1, H2, H3 and H7 and City of Southampton Core Strategy (amended) policies CS4, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached	
1	Development Plan Policies
2	Map 15/003450/OUT

Recommendation in Full

1. Conditionally approve outline planning; and,
2. Approve the proposed stopping up and diversion to the existing Right of Way along the site's western boundary.

Procedural Context - Council's Own Development

This type of application is known as a 'Regulation 3' application and relates to proposals made by the Local Authority 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, 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/appeal.

As the Council is unable to enter into a Section 106 legal agreement with itself, as would be the case with other applicants, the mitigation package and affordable housing required to make this development acceptable will be secured as part of the contract of sale when the land is sold to a developer. A planning condition takes the place of the legal agreement in such cases to ensure that the legal agreement is secured prior to the commencement of development and does not fetter the release of the planning permission – assuming the recommendation is supported by the Planning Panel.

1.0 The site and its context

- 1.1 This application relates to the redevelopment of the former Oaklands Secondary School site, which was accessed directly from Fairisle Road. The site has a gross area of 3.14 hectares. The school itself ceased occupation in 2013 following the opening of the Lordshill Academy (LPA ref: 10/01283/R3CFL), and has been demolished for health and safety reasons prior to the application being submitted (LPA ref: 13/00498/DPA). Prior to these demolition works taking place the site was developed as a school with hard surfaces for sports use and a car parking area.
- 1.2 The character of the area is predominantly residential with terraced housing fronting the street. The application site itself slopes broadly north to south and is characterised by mature trees, a central landscape bund and the recently refurbished Oakland's swimming pool (with community centre), which forms the site's eastern boundary. The site's southern and northern boundaries are marked

by mature trees and a pedestrian footpath and right of way.

- 1.3 The Lordshill District Centre is located to the south-east of the site and can be easily accessed by foot via the existing subway. The Fairisle Infant (including a nursery) and Junior Schools are located to the south-west of the site within easy and convenient walking distance of the site. Locally the site is identified as having ‘high’ accessibility due to there being more than 20 buses an hour within 400m of the site, with good access to local employment, shops and services provided at the Lordshill District Centre (including a library, doctor’s surgery and church).
- 1.4 The trees on the site are largely located around the perimeter and are mostly planted as part of a landscape scheme. Two mature oak trees at the western corner of the site and one sweet chestnut at the northern entrance to the school are considerably older and larger than the other trees. As the site is owned by the Council it treats these trees as if “they were subject to tree preservation orders” although no formal TPOs apply to the site. A TPO may be applied to these trees prior to any subsequent land sale. The site is not within a Conservation Area.

2.0 **Proposal**

- 2.1 Outline planning permission is sought for the redevelopment of this 3.14 hectare school site with 103 dwellings with a residential density of 33 dwellings per hectare (dph). All matters, with the exception of external appearance, are for consideration at this stage. As such, the Panel are being asked to consider the principle of redevelopment for 103 dwellings, the site’s proposed ‘Layout’, the site’s proposed ‘Access’, the height and ‘Scale’ of the proposed buildings and the site’s ‘Landscaping’. The following residential mix is proposed:

	1 bed	2 bed	3 bed	4 bed	Total
Flats	17	24	-	-	41 (39.8%)
Houses	-	18	30	14	62 (60.2%)
Total	17	42	30	14	103

- 2.2 The proposed buildings are a mix of two and three storey blocks with pitched roofs, although the exact design and external appearance is reserved at this stage. The scheme proposes 35% affordable housing, which is compliant with Policy CS15, and 43% of the dwellings meet the definition of family dwellings providing at least 3 bedrooms and a private garden that is ‘fit for purpose’. The policy CS16 requirement for family housing is 30%. The Fairisle Close access is retained and the pool is given its own access from Cromarty Road thereby making it a self-contained site. An internal loop road is proposed with housing fronting the street in a perimeter block approach. Public and private amenity space are provided. In order to improve the residential layout and security/surveillance of the public spaces it is proposed to divert the existing north-south footpath (on the site’s western boundary) through the site thereby avoiding the need for a footpath running along the backs of proposed residential gardens. The existing pedestrian access towards the south-east subway is retained.
- 2.3 A total of 174 on-site parking spaces are provided, including 12 visitor spaces, and an allocation of two spaces per house and one space per flat is proposed. All dwellings have access to private amenity space, in the form of balconies, gardens, and communal open space that is supplemented by the provision of on-site public open space and a children’s play area. The proposals include the

removal of 22 existing trees (some of which have been given a Category B rating worthy of retention). A full tree replacement on a 2:1 basis is proposed and it is likely that the site will be TPO'd in the event that it is released to the private sector.

- 2.4 The Council has secured the approval of the Secretary of State of the disposal of the school site. Whilst capital receipts are not ring-fenced it is proposed that the capital receipt from the sale of the land with outline planning permission to a private developer will be used to retro-fund the recent investment in the adjacent Oakland's swimming pool site (as agreed by Cabinet and Council in October and November 2013 respectively). To date capital funding totalling £1.67 million for the pool (in various tranches) has been approved and the pool has now reopened following its closure. Whilst this is relevant background it should not influence the consideration of this planning application.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**. LDF Policy CS11 seeks to safeguard education sites unless it can be demonstrated that the land and/or buildings are no longer needed for educational use. The opening of the nearby Academy (LPA ref: 10/01283/R3CFL) allows this site to be released for an alternative use in accordance with Policy CS11.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 Various historic applications relating to the former school site followed by a series of applications leading up to the redevelopment of this site, and the refurbishment of the retained pool and community room:
- 4.2 14/01901/R3CFL – Conditionally Approved 05.01.2015
Alterations to the former Oaklands Nursery Building in connection with conversion to a community centre
- 4.3 14/01754/R3CFL – Conditionally Approved 16.12.2014
Formation of car parking area and vehicular access onto Rownhams Road North and alterations to pedestrian access within the site.
- 4.4 14/00855/R3CFL – Conditionally Approved 13.08.2014
Reconfiguration of car park to provide 45 parking spaces in total, including 2 disabled spaces and 5 motorcycle spaces, 20 cycle spaces and other

environmental improvement works to paths, storage and furniture.

13/01609/DPA – No objection 07.11.2013

4.5 Prior Approval for the proposed demolition of the SEN Building.

13/00498/DPA – No objection 24.07.2013

4.6 Prior approval for the proposed demolition of existing buildings (excluding the swimming pool, pre-school and SEN buildings)

5.0 Consultation Responses and Notification Representations

5.1 The City Council (as applicant) have engaged with the local community regarding the scheme and held a public consultation event on 13th February 2015. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (28.04.15), placing a press advertisement (08.05.15) and erecting a site notice (01.05.15). At the time of writing the report **16 representations** have been received from surrounding residents (including 2 Ward Councillors).

5.2 **Cllr Thomas** – Objection lodged.

Panel members need to be aware of the history of this location and recognise the real opportunities in front of them, not only to improve the quality of life for so many local residents, but also for the new residents who will be moving into this new development. The Daily Echo raised on its front and inside pages last September how fed up Lordshill residents were, and how they threaten after decades of grief to barricade the road to stop the school runs. Everyone understands all Schools have their parking problems but Fairisle School, which by the way has another two extra new classrooms being built in the pipeline (60 extra children), has a one way in and a one way out which creates the chaos around this location.

5.3 Two Real Opportunities

- (1) Panel members can end the school drop off parking nightmare on the neighbouring streets of Fairisle Road, Orkney Close, and Malin Close, which also spills-over onto Lordshill Way, and Cromarty Road, and its side streets.
- (2) Panel members can prevent the traffic nightmare diverting from the above roads straight onto the new roads of the new development.

5.4 A purpose built modest size car-park within the new development which will not affect any of the new dwellings could quite easily be formed solving once and for all the traffic nightmare not only for this community but also for the new community being created. The panel may well be told that creating a car-park within the new development is not grounds for an objection, but I would argue that the prevention of future traffic chaos should be seen as grounds. This really is a once in a lifetime golden opportunity - the Panel can make it happen.

5.5 Two other concerns are

- (1) where are the “affordable homes” within the proposal?
- (2) Making sure the new development does not encroach on our public right of way which is the cycle pathways and our walk-ways that surrounds this site.

5.6 **Cllr Morrell** – Objection lodged

The residents of Fairisle Road, Malin Close and Orkney Close have for many

years suffered extreme inconvenience because of their proximity to the Fairisle Schools. Fairisle Road has only one way in and out and this causes traffic chaos when children are being delivered to or collected from school. Many drivers park with little regard for residents, and at times appear to have little regard for children and adults when they are attempting to navigate their way through the melee of vehicles. I have witnessed traffic problems outside many Schools in the city and the problem here surpasses them all by a wide margin. The Fairisle Schools are popular and expanding - the traffic problem, unless it is addressed, will get worse, especially given that more families with school-age children will be moving into homes on the proposed development. In the interests of safety for the children of the Fairisle Schools, and to alleviate the intolerable inconvenience cause to local residents, I urge you to consider either retaining some of the land in City Council ownership or, alternatively, requiring the amendment of this application to incorporate a car-park in the proposed development, to be used only by vehicles taking and collecting children to school.

- 5.7 The planning application includes the incorporation into the development of existing footpaths and cycle-ways on two sides of the site and replacing them with new footpaths within the development. Given that the existing footpaths and cycle-ways are used continuously by local residents and by large numbers of pupils of Oasis Academy during certain times of the day I am not sure that the proposed new footpaths will be adequate or appropriate.
- 5.8 The planning application does not include any provision for affordable homes - this omission needs to be rectified.
- 5.9 **Response** to the Councillors' concerns relating to car parking, the affected right of way and affordable housing:
- 5.10 1. Car Parking
The Council (as applicant) should be treated the same as any other applicant and they have a right to have their planning application considered and determined as submitted. The existing problems with parking in the vicinity of the Fairisle Schools are well documented, but are not caused by the current proposals. In fact it is unlikely that residents of the new development would chose to drive to Fairisle Schools, thereby exacerbating an existing problem, given that the school gates are only some 250m from the furthest proposed dwelling. In addition the proposal for 103 dwellings is supported by 174 of its own parking spaces thereby exceeding the Council's maximum parking standards, and every property has its own allocated parking reducing the likelihood of any overspill. Furthermore, the loss of the former secondary school to an alternative use should actually ease pressure caused by parents dropping off and collecting children at the start and end of the school day.
- 5.11 Whilst the idea of a drop-off car park to serve the school may be a good one, and the concerns of the Councillors and affected neighbours are noted and relevant, it too raises a number of issues:
- 5.12 Firstly, the applicant does not wish to include a car park in their scheme and, instead, needs to secure a capital receipt to retro-fund the Oaklands pool refurbishment that may have otherwise closed. Any reduction in the site's developable area will reduce the likely capital receipt.
- 5.13 Secondly, the City's Schools are trying hard to discourage parents/pupils from

arriving by car – with varying success - and providing additional parking provision would undermine this approach. The City's sSchools are not providing car parking for parents drop off and collection needs, and instead seek to encourage parents to use alternative modes than the car. In this instance, the applicants have reported that (in addition to a commitment to greener travel) the Schools have agreed an arrangement with the nearby Sainsbury's to allow parents to park there ahead of drop-off and collection and it is hoped that this will ease the pressure on local roads close to the school – however this arrangement has been in place for a number of years.

5.14 Thirdly, additional and convenient parking may encourage more parents to drive which could exacerbate the problem further.

5.15 Fourthly, as the Fairisle Schools (junior, infant and nursery) currently have a combined pupil role of some 670 children it is unclear how many car parking spaces would be needed before the existing problem could be satisfactorily resolved.

5.16 Finally, it is unclear who would take on the ownership, liability and ongoing management responsibilities of any retained car parking spaces.

5.17 As such, this particular objection to the current planning application, whilst fully understood, should be afforded limited weight in the planning application's determination.

5.18 2. Right of Way

The application proposes the closure of an existing right of way around the site's perimeter. However, so as to improve the relationship between the proposed dwellings and the existing north-south link (on the western boundary) it is proposed to divert, stop-up and create a new route – for both pedestrians and cyclists - through the development rather than retain it along the rear fence of the proposed dwellings (Nos 5-14). Having back gardens abutting public routes is not good practice and can lead to increased levels of crime and anti-social behaviour. By diverting this existing route the scheme maintains access for those residents in Orkney Close requiring access to the rear of their property, whilst improving the surveillance of this north-south link (diverted to the fronts of the proposed dwellings at 5-14) without compromising existing access. The east –west link (along the site's northern boundary) - the route to the new Academy - will be unaffected by these proposals. This approach has been taken following input and advice from both SCC Highways and Hampshire Constabulary.

5.19 3. Affordable Housing

The Council (as applicant) has confirmed that the scheme can provide 35% affordable housing in line with planning policy. A S.106 legal agreement to this effect can be secured when the land (with permission) is transferred to a private developer. A planning condition is recommended also so that development cannot commence until the legal agreement has been completed. The Council (as applicant) has made it clear that the affordable housing obligations may be achieved via off-site 'surrogate' sites, which are in themselves subject to planning. At this stage, however, the current planning application proposes on-site provision and is policy compliant.

5.20 The following is a summary of the points raised by affected neighbours and third

parties in relation to this application:

- Need for parking to serve the existing Fairisle Schools.
See response above.

- Loss of vital cycleway.
See response above.

- Density of development is out of keeping.

Response

The development site is heavily constrained by the existing central mound and the mature trees which form its boundary. In areas of high accessibility the development plan advises that developments in excess of 100dph may, in principle, be acceptable. Without the site constraints listed this could yield a development in excess of 300 dwellings. The Council's Strategic Housing Land Availability Assessment (SHLAA) earmarks the site for some 120 dwellings recognising the current constraints. The proposed layout provides a good residential environment and a density of 33 dph which is deemed appropriate in these circumstances.

- Loss of trees and shrubs.

Response

The site layout has been designed around the existing trees, but will result in the loss of 22 trees of varying quality – mainly from the centre of the site. This follows a detailed Tree Survey with input from the Council's Tree Officer. The majority of trees including the site's southern tree belt are to be retained. No tree objection is raised from this consultee.

- Insufficient local services to deal with this increase in population.

Response

The site is within walking distance of the Lordshill District Centre, adjacent to the refurbished swimming pool and community rooms, and broadly opposite the Fairisle Schools with good access to the Academy on Romsey Road. There is no submitted evidence that suggests that these existing services could not accommodate the additional population and no objection has been received to the development from these services themselves. Furthermore, the development would make a significant contribution towards the Community Infrastructure Levy (CIL), which can be put towards infrastructure improvements (including health and education) across the City.

- Loss of open space.

Response

The existing car park and pedestrian routes are not considered to be open space for the purposes of planning. They are currently used for informal play, but this does not prejudice the site coming forward in the future for an alternative use. In addition to funding the refurbishment of the swimming pool the redevelopment proposals include areas of informal and formal play for children in line with Local Plan policies CLT5 and CLT6. The site plan shows some 1,400sq.m set aside for outdoor play. These play areas will also be available for existing residents and will be managed as public open space.

- Overlooking of residents in Rockall Close is proposed.

Response

The design of the dwellings is not yet known and window details can be sorted out at the Reserved Matters stage. That said, the layout is fixed at this stage and it proposes a run of 3 storey flatted blocks set off the northern boundary. The separation distances involved between buildings are between 25 and 35 metres and are further mitigated by the retained tree planting along this boundary and the orientation of the buildings. This relationship is acceptable in planning terms.

- The new dwellings are too close to the existing residents in Orkney Close.

Response

The residential terrace of 2 storey houses along the site's western boundary leaves a separation distance between buildings of some 16-17 metres. This is further mitigated by existing planting and the orientation of the proposed buildings to the existing neighbours and their parking frontages. This relationship is acceptable in planning terms.

- Noise and disturbance caused during the construction phase.

Response

All new development results in some short-term noise and disturbance to existing neighbours. Planning conditions are recommended to limit this impact as far as possible, including a restriction on the days/hours that development can take place and where contractors will park for instance.

- The site should be turned into a park with café to serve existing residents.

Response

Whilst such a proposal would be acceptable in principle this is not the application that has been submitted, and a residential scheme on this previously developed site is also acceptable in principle and should be considered.

Consultation Responses

5.21 **SCC Highways** – No objection but additional info requested

The site was previously occupied by the Lordshill Oasis Academy, a secondary school. It took its only vehicular access from Fairisle Road, off of Lordshill Way. The proposal continues to follow this route, although it opens up pedestrian and cycle routes around the site perimeter which helps to encourage more sustainable travel due to more convenient linkages. The site is within the residential area of Lordshill, and is very conveniently located adjacent to the local centre, shops and Schools, and in close proximity to the M27 corridor. The proposals include the provision of a total of 103 residential units, with local infrastructure, and parking meeting the maximum provisions within the SCC Parking Standards 2011 SPD, although the Transport Assessment makes no reference to this document. No objection raised subject to planning conditions and a S.106 to secure a Traffic Regulation Order (to reduce speed limits around the school to 20mph), additional street lighting, improved lighting to existing subways, improvements to the local cycle/footway network, and improved pedestrian crossings to Fairisle School. Detailed comments as follows:

5.22 i. Layout

The development offers good permeability to pedestrians and cyclists and a

single entry point for vehicles. The pedestrian and cycle routes within the development offer a more inclusive feel than the section to be stopped up, as there is good natural surveillance and activity within the area of the proposed route. The unaltered section will benefit from better surveillance making it more welcoming to use, and reducing risk of anti-social behaviour. The closed off section of cycleway footpath concerns me as to how this will be controlled and regulated. I would be concerned that we could be designing in a convenient location for anti-social behaviour.

5.23 ii. Refuse collection

The layout allows a refuse vehicle to drive round the site, whilst needing to conduct several reverse manoeuvres to access some dwellings. It must be reinforced that the refuse vehicle is only expected to reverse the length of itself, and any euro bins will need to be collected from within a 10m distance of the stationary vehicle, and wheelie bins 30m.

5.24 iii. Highway safety

The proposed vehicular access point for the development is similar to the previous use, from Fairisle Road. This access is just off of a large 4 armed roundabout on Lordshill Way where historically there appears to have been low levels of accidents. Most accident data for the whole area primarily involves vehicle on vehicle conflicts at approaches to the roundabouts, with no pedestrian casualties, and 7 out of 34 accidents involving cyclists or motorcyclists. The layout of the area generally keeps pedestrians away from the main carriageways and offers numerous underpasses throughout the area, to all strategic locations. Whilst underpasses are generally considered to be outdated in their design, it is quite clear in this instance that there is good usage of these facilities, higher usage levels provide users with greater confidence.

5.25 SCC Highways have seen comments submitted about concerns of the parent parking for the Fairisle Schools, and the disruption this causes at the start and finish of the school day. This is a situation which needs to be controlled by good robust travel planning with the school, and providing parents with a formal area to park not only encourages more parents to drive to the school, but also defies the aspirations of getting children to school in a more sustainable and healthy manner. It is also not a problem created by this proposed development, it already exists, and should be somewhat lessened by the relocation of the Lordshill Oasis Academy.

5.26 iv. Transport Assessment

The Transport Assessment is very weak in its content, and makes incorrect reference to parking standards. It also fails to recognise the committed developments in the area, such as Adanac Park, Lidl distribution depot, and 350 dwellings on Redbridge Lane. The Transport Assessment requires more in depth work taking these proposals into consideration, and then recalculating delays etc. of all the local junctions with the revised data, this will then allow a better picture of the development impact on the local network, both now and in future growth. This information is required to finally inform highway comments.

5.27 **Response**

The applicants have been asked to provide a more robust Transport Assessment

(TA), noting that the scheme is acceptable in layout and access terms, and any additional information will be reported verbally at the meeting.

5.28 **SCC Housing** – No objection

As the scheme comprises of 103 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 36 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case provision would be sought on site.

5.29 **SCC Sustainability Team** – No objection

Due to changes with Code for Sustainable Homes, currently an application for a new build residential development of this type is required to achieve 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4). Conditions are recommended.

5.30 **SCC CIL Officer** - The development will become CIL liable at reserved matters stage. The charge will be levied at £70 per sq.m on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that continuous lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development. As demolition has already taken place this may not be possible.

5.31 **SCC Ecology** – No objection

The application site comprises a central area of hardstanding with amenity grassland, broadleaved woodland and scrub. A number of buildings that were formerly present on the site have been demolished. The biodiversity interest of the site is concentrated within the woodland on a bund running around the perimeter and a small area of grassland and scrub within the centre. The ecology surveys accompanying the planning application, which were undertaken almost two years ago, indicated that these habitats were used by breeding birds and foraging bats. Although the site has altered since the surveys were undertaken sufficient habitat remains to have retained this biodiversity interest.

5.32 The proposed layout retains much of the boundary habitat and avoids major physical fragmentation which is likely to help maintain its biodiversity value. There is, however, a risk that inappropriate exterior lighting could disrupt bat foraging routes. Therefore, to avoid any loss of foraging value lighting within the new development should be designed to minimise light spill and avoid direct illumination of tree and shrub canopies.

5.33 Some tree and scrub removal will be required however, the proposed replacement planting will provide suitable mitigation. Vegetation removal has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should therefore be undertaken either outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance must be delayed until after the chicks have fledged. The ecology survey detailed a number of mitigation and enhancement measures which I would like to see incorporated into the proposed development.

5.34 The ecology surveys were undertaken almost two years ago and since then the site has changed substantially. Any subsequent detailed or reserved matters application should therefore be supported by an updated survey which details the ecological status of the site at that time.

SCC Tree Team – No objection

5.35 The scheme appears to retain the majority and the better trees on site. Further details including a tree schedule, a tree protection plan and a landscaping scheme (including street lighting) and ongoing maintenance are required and can be secured with the attached planning conditions.

SCC Heritage – No objection

5.36 The site lies within Area 16 (Rest of the City), and immediately adjacent to Area 2 (Nursling Plantation) of the Local Areas of Archaeological Potential. Excavations and observations in the vicinity have demonstrated that prehistoric archaeological deposits survive in the surrounding area. It is therefore recommended that, should planning permission be granted, a targeted programme of archaeological evaluation is commissioned, followed by further archaeological works as required, and that conditions are attached.

5.37 **SCC Contaminated Land** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Former Landfill (50m to SW).

These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

Environment Agency – No objection

5.38

5.39 **Southern Water** – There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. No objection is, however, raised subject to additional infrastructure being secured through s.98 of the Water Industry Act (1991). Planning conditions are recommended.

Hampshire Constabulary – No objection

5.40

The Police have no objection in principle to this application, the devil will be in the detail and I reserve the right to comment in more detail at full application stage. Meanwhile, I would say that the indicative layout is generally acceptable but for the orientation of plots 1-4 which will result in the rear gates becoming the front entrance to the properties by residents using a vehicle. I recommend these plots be turned 180 degrees. The development will undoubtedly increase use of the 2 underpasses under Lordshill Way and therefore I feel the planning authority is entitled to seek a S106 agreement to improve the relatively poor quality lighting within the underpasses.

5.41

Response

The Highways Officer has requested improved lighting to the subway as part of the S.106 package. The suggested change to the layout is noted but was rejected at the pre-application stage as it is felt that giving Fairisle Road a street frontage works better in urban design terms without compromising the development.

6.0

Planning Consideration Key Issues

6.1

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

1. The Principle of Development
2. The Layout, Design & Density
3. Impact upon existing residential amenity
4. Parking, Rights of Way & Highway Safety
5. Off-site mitigation & S.106 legal agreement

6.2

Principle of Development

The release of this former school site for an alternative use has been agreed with the Secretary of State. The Council intends to market the site with an outline planning permission and use the capital receipt to retro fund the recent works to refurbish the Oaklands swimming pool. The site is identified as an appropriate housing site in the Council's Strategic Housing Land Availability Assessment (SHLAA) for some 120 dwellings. The Council has a recognised housing need of 16,300 homes until 2026 (LDF Policy CS4 refers). Whilst the priority for housing delivery should be previously developed land (as is the case here), and not gardens or open space by definition, the merits of this case should be given careful consideration. In particular, an assessment of the scheme's impact on the character of the area, residential amenity, and its efficient use of land for housing delivery, are material to the Council's planning decision.

6.3

The scheme proposes the following residential mix and provides a good mix of flats and houses:

	1 bed	2 bed	3 bed	4 bed	Total
Flats	17	24	-	-	41 (39.8%)
Houses	-	18	30	14	62 (60.2%)
Total	17	42	30	14	103

6.4

A minimum of 35% of the homes will be secured as affordable. The application proposes that 44 of the dwellings will be genuine family homes, with at least 3

bedrooms and access to private amenity space. The proposals exceed existing development requirements for the delivery of family housing and are welcomed in principle.

6.5 The Layout, Design & Density

This site is characterised by its existing tree belts to the southern and northern boundaries (which are to be retained). These screen the development to a large extent from the wider context. The chosen layout keeps development away from the neighbouring boundaries whilst providing a central loop road providing full vehicular, pedestrian and cycle access. The site retains a degree of permeability, particularly from the north, and the eastern link to the community centre and district centre subways are given improved surveillance. A perimeter block approach to the layout assists with this. The central part of the site is retained and given over for formal and informal public playspace with a landscaped setting.

6.6 LDF Policy CS5 encourages higher residential densities in areas with good local access. The form of development includes terraced housing linked to flatted blocks of between 2 and 3 storeys. This is consistent with other housing in the area. It creates a successful perimeter block development at an appropriate (and relatively low at 33dph) density that clearly delineates private and public areas, whilst respecting the importance of the existing trees and the need to provide greater surveillance to the site's public footways along the boundaries. The alternative approach is to fence off the development from its wider context and create an insular looking layout. This approach was originally proposed at the pre-application stage but faced stiff criticism from officers.

6.7 Parking is well scattered across the development so as to reduce the dominance of the private car to the overall layout. It is considered that the proposed footprint and quantum of development is acceptable and would make an efficient use of land whilst providing a good mix, and additional family dwellings, within a mature landscape setting.

6.8 The design of the housing is reserved for a separate application but is likely to be simple and contemporary, which is appropriate given the surrounding context. A traditional palette of materials is recommended, including a mixture of facing brick, and tiled roof. Further details can be secured with the attached planning condition. The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition.

6.9 As the design is reserved the internal layouts are not currently known. That said, the houses all have dual aspect with access to private gardens of between 9 and 15m depth, and 54sq.m and 110sq.m in floorarea. The flatted blocks have private communal grounds totalling some 2,290sq.m (55sq.m per flat). These private external spaces exceed the standards set out in the Residential Design Guide, namely paragraph 2.3.14 and section 4.4. They are considered to be fit for purpose and are acceptable.

6.10 The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area. It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant at the pre-application stage to reduce the scheme's impact and are supportive of the application.

Impact upon existing residential amenity

- 6.11 The proposed dwellings have been designed to sit within their plot and are set away from the common boundary with immediate neighbours. Where development is closest to the neighbours there exists mature planting that will be retained to mitigate any impact. The layout is fixed at this stage and proposes a residential terrace of 2 storey houses along the site's western boundary with a separation distance between buildings of some 16-17 metres. A run of 3 storey flatted blocks is set off the northern boundary. The separation distances involved between buildings in this location are between 25 and 35 metres. As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be compromised by this proposal. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting, the orientation of the buildings within their plot and the generous area of retained public open space combine to create an acceptable addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.

Parking, Rights of Way & Highway Safety

- 6.12 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

- 6.13 Applying the Council's revised adopted maximum standards (of one spaces per one bed, two spaces per two and three beds and three spaces per four+ bed unit) as set in the adopted Car Parking SPD (September 2011) the proposed development should be supported by no more than 203 parking spaces. Applying the reduction for sites within defined areas of 'high accessibility (with more than 20 buses per hour as is the case here) and the maximum standard applicable is only 130 parking spaces. A total of 174 on-site parking spaces are currently provided, including 12 visitor spaces, and an allocation of 2 spaces per house and 1 space per flat (as proposed) can be controlled with a planning condition. This level of on-site parking exceeds the standards, but is considered to be appropriate in this instance given the local circumstances involved and the proximity of the site to the Lordshill District Centre and associated public transport links. Achieving even more parking would further exceed the standards and would result in a car dominated layout with a significant reduction in open space.

- 6.14 There is some concern locally that the existing rights of way around the site will be affected by the proposed layout. The closure and diversion of one route is proposed. The existing north-south link along the site's western boundary is to be stopped up and diverted through the scheme, thereby retaining full access. Existing access to the rear of the affected Orkney Road properties will be retained. A planning condition is recommended to secure the exact details and the applicant will need to formally apply for the stopping up of the right of way in the event that planning permission is granted.

- 6.15 The Council's Highways Officer has raised no objection to the proposal, subject to the attached planning conditions; including means for controlling construction delivery times and routing so as not to conflict with local Schools. The application is considered to accord with Local Plan policies SDP4, SDP5 and Core Strategy policies CS18 and CS19.

Off-site mitigation & Section 106 legal agreement

- 6.16 The Council (as landowner and applicant) cannot enter into a Section 106 legal agreement with the Council (as Local Planning Authority). As such, in the event that this planning application is deemed by the Panel to be acceptable a conditional outline planning permission will be issued to enable the site to be marketed. A condition requiring the Section 106 agreement to be completed ahead of the commencement of works is recommended. Furthermore, the Council will include a clause to bind any future developer to enter into the Section 106 legal agreement at the land transfer stage. So whilst the process is slightly different the result will be the same and a package of off-site mitigation measures and affordable housing can be secured.
- 6.17 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 (from 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. Providing the legal agreement is secured (as discussed above) this application has 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 Council has the approval of the Secretary of State to release this redundant school site for an alternative use. Pupils from the former school now attend the Lordshill Academy on Romsey Road and the site buildings have largely been demolished with the exception of the retained school and community centre. The provision of 103 dwellings at a density of 33 dwellings per hectare makes an appropriate use of this previously developed land whilst respecting the specific constraints to redevelopment, including the significant tree cover. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the neighbouring Fairisle Schools at the start and end of the school day, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme.

8.0 Conclusion

- 8.1 This outline planning application is recommended for conditional approval with the

S.106 legal agreement to be resolved at the land transfer stage and ahead of the commencement of development for the reasons given above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b, d & f, 4f & vv, 6a, 7a&b, 8j, 9a & b

SH2 for 23.06.2015 PROW Panel

PLANNING CONDITIONS to include:

1.APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the 'Layout' of buildings and other external ancillary areas, the means of 'Access' (vehicular and pedestrian) into the site and the buildings, the 'Scale', massing and bulk of the development, and the 'Landscaping' (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site
 - the appearance and architectural design specifying the external materials to be used (see associated external materials condition below)
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

2.APPROVAL CONDITION - Section 106 Agreement (Pre-Commencement Condition)

No development shall commence on site until a Section 106 legal agreement has been entered into with the Council covering the following heads of terms:

- i. Either works agreed under S.278 or financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
- 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 & Employment Management Plan committing to adopting local labour and employment initiatives during the construction phase, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy

Development Plan Document - Adopted Version (amended 2015) 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 (amended 2015);
- vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
- vii. The provision and ongoing management/maintenance of on-site playspace in accordance with the approved drawings as required by policies CLT5 and CLT6 of the City of Southampton Local Plan Review (amended 2015); and.
- viii. The provision for ongoing management of external amenity spaces and landscaped buffers forming the site

Reason:

Planning permission can be issued following the resolution of the Planning and Rights of Way Panel as the site is currently within Council ownership and the S.106 legal agreement is to be tied to the sale of the land contract as deemed appropriate in the National Planning Policy Guidance. Furthermore, as the development will create localised impacts a S.106 legal agreement is required in the interests of the proper planning of the area and to mitigate the impact of the development in accordance with Policy CS25 of the amended City of Southampton Core Strategy (amended 2015).

3.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.

4.APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window and balcony reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

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

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);

- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

Reason:

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

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

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

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

Reason:

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

7.APPROVAL CONDITION - Replacement trees [Pre-commencement Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

10.APPROVAL CONDITION – Construction Method Statement (CMS)

Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority making provision for a "Construction Method Statement" (CMS) for the development. The CMS shall include details of:

- a) Parking of vehicles of site personnel, operatives and visitors;
- b) Any site compound details and contractor's cabins/office;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials, including cement mixing and washings, used in constructing the development;
- e) Treatment of all relevant pedestrian routes and highways within the site throughout the course of construction and their reinstatement where necessary;
- f) A scheme for the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- g) A scheme for recycling waste resulting from the construction programme;
- h) details of lorry routing
- i) Measures to be used for the suppression of dust and dirt throughout the course of construction;
- j) Measures for the cleaning of wheels and the under chassis of lorries leaving the site;
- k) Details of how noise and vibration emanating from the site during construction will be mitigated;
- l) A "hotline" telephone number and email address shall be provided for the use of residents in the case of problems being experienced from demolition and construction works on the site. The phone line will be provided, managed and problems dealt with by a person or persons to be nominated by the developer and shall operate throughout the entire development period;
- m) The methods of supervision to ensure that workers have knowledge of the method statement;

The approved CMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

11.APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works (including all associated deliveries), shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

No deliveries of construction materials or equipment, or removal of demolition materials associated with this development shall take place between the following times:

- 8am to 9:30am and 2:30pm to 3:30pm Mondays to Fridays

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the local school's peak hour traffic.

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

The external amenity space serving each dwelling hereby approved, and pedestrian access to it, shall be made available for use by the associated dwelling prior to the first occupation of that dwelling hereby permitted, and shall be retained with access to it at all times for the use of the dwellings.

Reason:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures [as set out in the submitted Capita Preliminary Ecological Assessment (dated 1st March 2013)] for approval in writing by the Local Planning Authority, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed programme.

Reason:

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

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

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

Reason:

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

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

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development (excluding the demolition and site preparation phase) hereby granted consent. If the study demonstrates the site is viable and has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design

Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

16.APPROVAL CONDITION – Drainage & Sewerage Infrastructure

No development shall commence (excluding the demolition and site preparation phase) until details of the proposed means of foul sewerage and surface water drainage have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development.

17.APPROVAL CONDITION - Sewers

No development shall commence (excluding the demolition and site preparation phase) until details of how the existing sewer and water infrastructure across the site shall be protected during the construction phase have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity is required to accommodate the proposed intensification of development.

18.APPROVAL CONDITION - Sustainable Drainage System (Surface Water)

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. 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 and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, to ensure future maintenance of the surface water drainage system and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20.

19.APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

20.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

21.APPROVAL CONDITION - Archaeological evaluation [Pre-Commencement Condition]

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

Reason:

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

22.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.

23.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.

**24.APPROVAL CONDITION - Archaeological work programme (further works)
[Performance Condition]**

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

Reason:

To ensure that the archaeological investigation is completed.

25.APPROVAL CONDITION - 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.

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

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

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

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

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

Reason:

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

27.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.

28.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.

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

No development hereby permitted shall be commenced (excluding the demolition and site preparation phase) until the Local Planning Authority have approved in writing:-

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
- A programme for reinstating any redundant/existing dropped crossings and footway crossovers around the site perimeter. These affected kerbs are to be reinstated to a full kerb and footway construction under licence from the Council or our highway partners.

If a Section 38 agreement is not entered into for the formal adoption of the roads, details of how a Management Company will be set up and put in place for the future maintenance of the development will be required and this will need to be supported by a suitable bond.

The development shall be completed as agreed.

Reason:

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

30.APPROVAL CONDITION – Residential Parking

All parking spaces shall be minimum 5m x 2.4m, with 6m isle width to allow adequate space to turn into and out of the spaces if positioned at 90 degrees to the highway. Parallel parking spaces shall be a minimum 6m long and 2m wide, with a paved refuge to stand out onto beside the vehicle. The residential parking shall be provided prior to the first occupation of each dwelling at a ratio of 1 parking space per flat and 2 parking spaces per

house. No more than 2 parking spaces shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority. Any garaged spaces shall be retained for parking. A minimum of 12 visitor parking spaces shall be marked out in accordance with details to have been agreed in writing by the Local Planning Authority prior to their first use and shall thereafter retained for public/general use.

Reason:

To ensure that the scheme provides a suitable level of parking to serve its needs in the interests of highway safety.

31. APPROVAL CONDITION - Refuse & Recycling Bin Storage – In accordance

Appropriate bin storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with details that shall have been submitted and agreed at the Reserved Matters stage. The facilities shall include accommodation for the separation of waste to enable recycling (including glass) and green waste. A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with any Eurobins. Refuse bins shall not be left in collection points or otherwise external to the approved refuse stores other than on the day of the designated collection. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

Reason:

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

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gully should also be provided. The access path to the bin store should 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 fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bins. Refuse containers should be purchased by the applicant from the Council ahead of occupation.

32. APPROVAL CONDITION - Cycle Storage

Appropriate, secure, covered cycle storage shall be laid out with a level approach prior to the first occupation of each dwelling hereby approved in accordance with details that shall have been submitted and agreed at the Reserved Matters stage. The facilities shall include Sheffield style stands and shall be retained whilst the development is used for residential purposes.

Reason:

To encourage cycling as an alternative form of transport

33. APPROVAL CONDITION – Right of Way (Cromatory Road to Fairisle Road)

Details of how the existing right of way linking Cromatory Road to Fairisle Road (along the site's western boundary) can be retained/diverted both during and after the demolition and construction phase shall be submitted to and agreed in writing by the Local Planning

Authority prior to the commencement of any development, including any site clearance and demolition works taking place in association with this permission. These details shall include plans of how the land is to be allocated to gardens, any means of enclosure and details of the retained access requirements for the affected residents living in Orkney Close as annotated on plan ref: CS/067837-02. The right of way shall be made available/diverted, with safe footpaths for pedestrians, prior to the first occupation of the development or in accordance with another timescale and phasing strategy that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development.

Reason:

As the development potentially involves a temporary stopping up during the construction phase, and to ensure that the existing right of way is retained for safe access to local Schools and is correctly reinstated or diverted following the development.

34. APPROVAL CONDITION - Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Reason:

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

35. APPROVAL CONDITION – Site Levels

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include AOD for the proposed finished ground levels across the site, building finished floor levels and building finished eave and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with the agreed details.

Reason:

As the site has been largely cleared and reprofiled it is unclear exactly where the buildings will sit in relation to one another and the approved infrastructure.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the

commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water (dated 19th May 2015) in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW – Tel. 0330 303 0119.

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Application 15/00340/OUT

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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

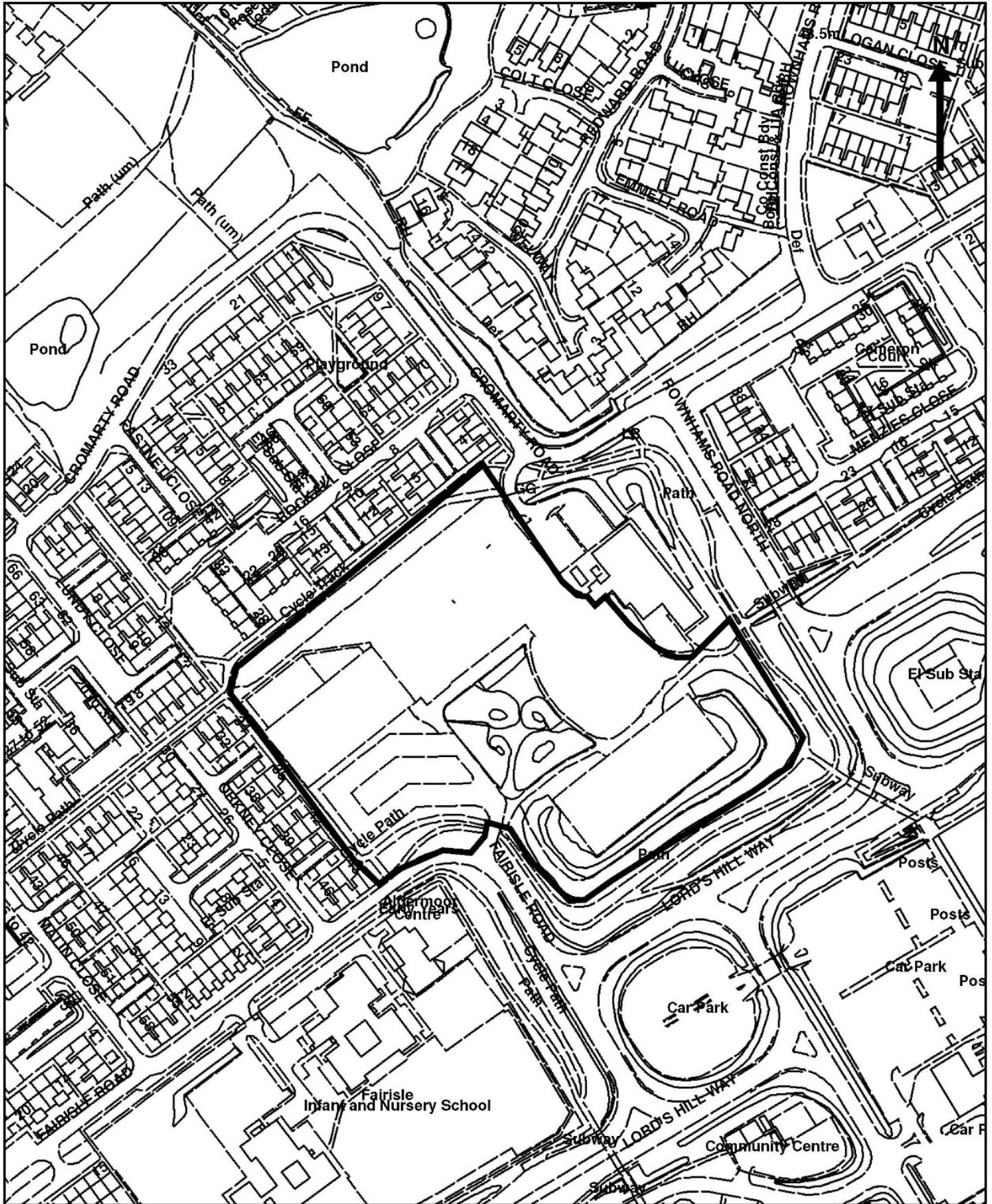
Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Agenda Item 7

15/00340/OUT



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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23 June 2015
Planning Application Report of the Planning and Development Manager**

Application address: 366-368 Shirley Road, Southampton			
Proposed development: Redevelopment of the site. demolition of the existing buildings and erection of two, three and four-storey buildings to provide 49 dwellings (5 X one-bedroom, 17 X two-bedroom, 20 X three-bedroom, 7 X four-bedroom) and a car sales showroom with vehicular access from Villiers Road.			
Application number	14/01608/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	16.02.2015	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Galton Cllr Denness Cllr Furnell
Referred by:	Cllr Denness	Reason:	Impact on neighbouring properties, parking pressure.

Applicant: C/O Heywood & Partners	Agent: Mitchell Architects
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, impact on neighbouring amenity, design and character; and the loss of the post office and gym on the site 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 judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning

Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, H1, H2, and H7 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
 - iv. 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.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
2. In the event that the legal agreement is not completed within 2 months of the panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

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.

Background

The development proposal that is the subject of this report was withdrawn from the Planning and Rights of Way Panel meeting agenda that was due for consideration on 2nd June 2015 because the Council received a legal opinion from Royal Mail, and officers wanted to be sure that all material considerations, including the loss of employment land proposed, and all relevant policies from the development plan had been afforded due weight. This updated report has sought to clarify and amend the report to address the points raised. In particular the consultation section of the report has been expanded to take account of the response given by the Council's Planning Policy team. The consultation responses and notification representations section have also now been amended along with the planning consideration key issues section.

1 The site and its context

- 1.1 The application site measures 0.76 hectares and is generally flat across the whole site. The site is an L shape and is bounded to the north west by Villiers Road, to the north east by Shirley Road with residential properties and gardens to the south west and south east. The site is currently used for commercial purposes as a Royal Mail delivery office and commercial gym with a second hand car sales business facing Shirley Road. A large two storey commercial, steel framed, corrugated panelled building dominates the site. To the Shirley Road frontage there is also a former petrol filling station canopy. The site wraps around a block of four buildings that form the corner of Shirley Road and Villiers Road. Most of the site at present is occupied by hard surfaced tarmacadam and concrete. Within the southern corner of the site there are large mature trees. The boundaries of the site to residential properties are formed by 2m high walls and fences.
- 1.2 The surroundings are mixed in terms of uses, building heights and architectural styles. Shirley Road is predominantly commercial in character. To the South east of the site are residential properties that occupy the former Hendy Ford car sales site (Selby Place). Selby Place is a development of new two, three and four-storey buildings providing a total of 96 dwellings. There is a flatted block to the front which has four storeys and to the rear there is a mix of residential housing and smaller flatted blocks. Parking is provided within the development which is accessed from Shirley Road only. On the opposite side of Shirley Road are three-storey terraced buildings with retail/service uses on the ground floor. Adjoining the site is a three-storey public house. To the south west of the site are small-scale two-storey houses on Villiers Road. The surrounding streets are generally narrow with unrestricted on-street car parking.

2 Proposal

- 2.1 The application proposes demolition of all the existing buildings on the site and the erection of two, three and four-storey buildings to provide 49 dwellings (5 no. one-bedroom, 17 no. two-bedroom, 20 no. three-bedroom and seven no. four-bedroom) and a car sales showroom. The vehicular access to the site will be from Villiers Road and pedestrian access will be from Shirley Road. 50 car parking

spaces will be provided on the site therefore providing one parking space per dwelling. On the Shirley Road frontage there will be a four storey mixed use block mainly containing flats but also will provide the existing car sales business that operates onsite a location from which to continue business operations once the development is complete. The remainder of the development is formed of eight terraces containing a total of 27 houses. Two blocks will front Villiers Road the remainder will front the access road within the site that has been designed as a shared surface home zone. A pedestrian route is provided through the flatted block at ground floor level to Shirley Road.

- 2.2 The density of the development is 64 dwellings per hectare (dph). The proposed external materials are a mixture of brickwork, render and rain screen cladding detailing.
- 2.3 The application has been amended since it was first submitted. The main changes have been to improve the layout of the site to enable more car parking, improvements to the design of the buildings on site to ensure that they respond positively to and integrate into the surrounding area. Trees and traffic calming measures have been added to the public realm with the site.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 In 2012 planning application 11/01327/FUL was granted on the adjoining site (360-364 Shirley Road, Henny Ford) to the south east for the redevelopment of the site involving demolition of the existing buildings and erection of two, three and four storey buildings to provide 18 houses and 78 flats with associated parking and access from Shirley Road.
- 4.2 Planning history relating to the application site does not relate to residential development and thus is not relevant to the current application for redevelopment.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners, placing a press advertisement 12.12.2014 and erecting a site notice 12.12.2014. At the time of writing the report **5** representations have been received from surrounding residents and interested parties. The following is a summary of the points raised:

- 5.2 **Noise and disturbance.** Generated from construction and from traffic associated with car sales business.

RESPONSE

Impact during construction cannot be used as a reason to prevent the development. The Council must find the appropriate balance between providing new homes in the city in sustainable locations and temporary disturbance that may affect local residents. Compromise is achieved by applying conditions to prevent construction during the most sensitive hours of the day and week during which the residents can expect peace and quiet. Cars move around the site and with the local area at present, the proposal is unlikely to significantly alter traffic generated noise associated with the site and the local area.

- 5.3 **Traffic generation/parking pressure/road safety.**

RESPONSE

The site at present generates car based travel. The development proposes one parking space for each residential unit on site. The Council have maximum parking standards. The site is located within a high accessibility area, car ownership is not necessary to access shops and amenities associated with Shirley Town Centre. There are no justifiable reasons to oppose the scheme on planning grounds due to insufficient parking numbers. The Highways Development Management Team have not objected on highways safety grounds.

- 5.4 **Effect on boundary wall.**

RESPONSE

Party wall matters are not material to the determination of planning applications. Where appropriate existing walls surrounding the site will be retained and where necessary, and having consideration to adjacent land owners, walls and boundary treatment will be replaced. Planning conditions can be used to ensure walls are treated appropriately.

- 5.5 **Impact on neighbouring amenity.** Overlooking, increased shadowing.

RESPONSE

The development is appropriately set off the boundaries so as to prevent significant harm to neighbouring residential amenity. The building heights have been arranged on the site so that neighbours are not affected by significant increased shading and habitable room windows will not harm neighbouring amenity due to appropriate separation distances for its context.

- 5.6 **Overdevelopment.** Too many residential units.

RESPONSE

The density of the development, at 64dph, is within the guidelines set out in policy CS5 of the City of Southampton Core Strategy (as amended 2015). A higher density could also be supported. The decision to provide a high percentage of

family housing (Policy CS16) was chosen in response to the surrounding character and this is considered to represent the correct design approach although the site could accommodate a higher density in principle. By way of comparison the neighbouring development at the former Hendy Ford site has a residential density of 118dph. The design and layout of the development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity. Officers consider that an acceptable balance has been achieved. Neighbouring residential amenity will not be significantly harmed as a consequence of the development and car parking has been addressed by providing one for one parking in what is a highly accessible area which reliance on private motor cars is not necessary for day to day living.

- 5.7 **City of Southampton Society.** Development of the site is welcomed as the area needs to be improved however the proposal is considered to represent an overdevelopment of the site.

RESPONSE

Please refer to paragraph 5.6 above.

- 5.8 **Royal Mail Operation.** Forced closure of the delivery office (Royal Mail operation) has major consequences for the postal service in the area. Royal Mail have a statutory duty to provide efficient mail sorting and delivery services for the administrative area of Southampton. The site is not identified specifically for housing purposes in the adopted proposals map of the City of Southampton Local Plan Review (as amended 2015) therefore the application for the change of use of the site to residential is premature. The proposal would result in 165 jobs being lost from this location. If permission is granted development should not commence until an alternative delivery office is found elsewhere, a clause should be added to the legal agreement to ensure that this occurs. The employment use of the site needs to be taken into account, in particular with regard to policies CS6, CS7 and the relevant policies of the NPPF. Factual inaccuracies need to be corrected. Royal Mail have recently upgraded and refurbished the facilities. The lease of the site does not expire until July 2018.

RESPONSE

The Planning policy team have reviewed the representations made by Royal Mail which have been outlined above. Their response to the three main policy based issues raised (use of the site for residential purposes, protection of employment uses and premature nature of the proposal) is listed within the consultation responses section below. Section 6 (Planning Consideration Key Issues) below takes into account both the objection from the Royal Mail and planning policy responses.

Consultation Responses

- 5.9 **SCC Planning Policy** There are two separate topics which the Council's policy team have commented on:
- A. Use of the site for residential purposes / protection of employment uses and
 - B. Prematurity of the proposal.
- 5.10 **A: Use of the site for residential purposes:** It is the view of the Planning Policy Team that the site is not covered by policy CS7. The policy explains that all

existing sites and allocations will be safeguarded for employment use through the sites and policies DPD (now to be incorporated in the city wide Local Plan Review) or City Centre Action Plan unless a range of criteria are met. LDF Para. 4.6.7 explains that a more detailed assessment will inform the decision on which sites to safeguard and which to release; and makes clear that this applies to existing employment sites or allocations designated in the adopted Local Plan 2006. The Post Office site is not designated for employment by this plan. Furthermore the policies in the 2006 Local Plan which safeguard employment sites (eg REI9 – 12) are still saved and still apply. Therefore sites that do not appear on this list are not protected in this way. In any case policy CS7, whilst indicating a strong need to protect employment sites (e.g. sites designated in the local plan), it does indicate some flexibility on a case by case base in accordance with the criteria listed. There is no policy objection to the release of this site for housing.

- 5.11 B: Prematurity of the proposal: Royal Mail argue that it is premature to consider an application for a residential development prior to considering sites through the local plan allocations process. National policy and guidance do not support the argument of prematurity except in exceptional circumstances and we disagree that the site must be considered as part of the local plan process (which is only at an early stage) instead of through consideration of a planning application.
- 5.12 The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. This presumption is also now incorporated in Southampton's amended Core Strategy (2015) in paragraphs 4.3.2 – 4.3.4. Paragraph 14 in the NPPF sets out the implications of this for plan-making and decision-taking. This states that *'for decision-taking this means approving development proposals that accord with the development plan without delay'*. For proposals *'where the development plan is absent, silent or relevant policies are out of date, granting permission unless'* it meets one of the two criteria stated. These criteria are that adverse impacts *'significantly and demonstrably outweigh the benefits'* or that *'specific policies in this Framework indicate development should be restricted'*. These do not relate to the prematurity of schemes.
- 5.13 The Planning Practice Guidance states that *'arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account'* (Paragraph: 014, Reference ID: 21b-014-20140306). It provides examples of two circumstances where applications may be premature; development so substantial it would undermine the plan-making process; and where emerging plans are at an advanced stage but not formally adopted.
- 5.14 As an urban area, many of the schemes proposed in Southampton are on windfall sites that are not allocated in the plans and these are important to deliver the growth the city requires. These include former employment sites which have unexpectedly become available. Where there is no site allocation, these proposals are considered against development management policies. Site allocations outside the city centre (currently dating from the original Local Plan Review in 2006) will be updated in the new Local Plan. This however is at an early stage and is unlikely to be adopted until summer 2018.

- 5.15 **SCC Highways** – No objection raised subject to conditions controlling access to the site, sight lines, refuse and cycle storage, parking layout and road construction.
- 5.16 **SCC Heritage and Conservation** - No objection subject to conditions.
- 5.17 **SCC Sustainability Team** – No objection subject to conditions.
- 5.18 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions.
- 5.19 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions.
- 5.20 **SCC Ecology** – No objection subject to conditions.
- 5.21 **SCC Housing** - The affordable housing requirement is 17 dwellings, to be controlled through a legal agreement.
- 5.22 **SCC Design Advisory Panel** – Revised plans have taken account the comments made by the Design Advisory Panel and have resulted in a much improved development proposal.
- 5.23 **Southern Water** – No objection subject to conditions and informative.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - The principle of this development, it's sustainability in the context of the NPPF, and the form and mix of dwellings proposed.
 - Design issues relating to the layout, the amount of development proposed and the impact on the character of the area.
 - Transportation and Parking issues.
 - Environmental matters including trees and sustainability considerations.
- 6.2 Principle of Development
- 6.3 The acceptability of the principle of the development and its sustainability rests on three main points:
 1. Housing use
 2. Loss of employment land
 3. Loss of the Royal Mail delivery office and its re-provision

General remarks regarding the principle of the scheme proposed conclude this section which focuses on the principle of sustainable development in the context of this application.
- 6.4 *1. Housing use*
- 6.5 The Planning Policy Team have outlined why it is not considered pre-mature to determine the planning application outside of the local plan process. The site is not unlike many development sites in Southampton in so far as it is a windfall site

that has not been allocated. The final paragraph of the planning policy consultation response is particularly pertinent and demonstrates that it is necessary for windfall sites to come forward for development in order to deliver the growth the city requires (16,300 homes to 2026 – LDF Policy CS4 refers)

6.6 *2. Loss of employment land*

6.7 Three commercial uses currently take place on the site. As a consequence of the development only one would be retained. The Council, in policy CS7 acknowledge that there is a strong need to safeguard employment sites within the city. This will help to achieve the aims of policy CS6 (economic growth). Policy CS7 states that *'all employment sites and allocations will be safeguarded for employment use, through the sites and policies DPD or the city centre action plan unless a range of criteria are met.'* The Planning Policy Team have confirmed that the intention of the policy is to prevent the loss of allocated employment sites with *'existing employment sites'* referring to designated sites on the adopted proposals map of the Local Plan review and *'allocations'* referring to sites in the city which although may not be part of a plan for a specific use the Council acknowledges the potential for future change for strategically important development. The site is not allocated as an employment site therefore in policy terms there is no opposition to the loss of two of the employment uses on the site and the subsequent change to residential use. That being said employment use – and the retention of local jobs - does still hold some material weight due to policy CS6 (economic growth) and paragraphs 18 - 21 of the NPPF and therefore this must be weighed in the balance of material considerations.

6.8 *3. Loss of the Royal Mail delivery office and its re-provision*

6.9 Royal Mail have occupied the site for almost 20 years and have recently invested in the upgrading and refurbishment of the facilities of the delivery office to improve and increase the size of the customer service point and to provide better facilities for the employees which gives an indication that the Royal Mail have no intention of leaving the site in the near future. However whilst the Royal Mail does have a statutory duty to provide efficient mail sorting and delivery services for Southampton that duty does not require that delivery to take place from any particular site or sites and the identification and securing of such sites is a matter for Royal Mail. Planning permissions are not determined on the basis of private agreements between land owners and leaseholders. Thus the continued use of the site by Royal Mail is not reliant on the grant of planning permission. Approving one type of use does not preclude an existing use continuing or indeed another type of use being approved in the future.

6.10 Royal Mail have indicated that their lease expires in July 2018. For their occupation of the site to continue Royal Mail will need to secure an extension of their lease or new lease in order for their occupation to continue beyond that date and that is a matter that is entirely separate to any application for planning permission. Should the lease not be extended the land owner will be free to explore alternative uses for the site. The applicant will be under no obligation to implement any planning permission if granted. The outcome of this planning application will not therefore necessarily determine the future use of the site.

6.11 *4. General remarks*

6.12 National Planning Policy encourages Local Authorities and developers to make efficient use of previously developed land for housing. This part of Shirley Road is of mixed character, part residential and part commercial, with the adjoining site to the south being entirely residential. In these circumstances it is considered that the predominantly residential, mixed use development is acceptable in principle. Loss of the Royal Mail delivery office and gym on site is a material planning consideration however those losses need to be balanced against the proposal to provide family housing and improve the appearance of the site.

6.13 This is a large site and it is capable of accommodating a range of building types and size and mix of dwellings. The proposal includes 27 family sized houses (55% of the total) as well as a range of smaller dwellings. The houses would be allocated private amenity areas to comply with Core Strategy Policy CS 16 which seeks 30% family dwelling provision. The applicant has stated that at least 35% of the proposed new dwellings will be provided as affordable housing to comply with Policy CS15 of the Core Strategy. The development therefore achieves a good mix of market and affordable housing.

6.14 The existing car showroom (sui generis use) is located on the edge of the Shirley Town Centre Boundary. The redevelopment of this which constitutes part of the overall development is also considered to be acceptable in principle and would particularly help to maintain and improve the appearance of the active frontage onto Shirley High Street.

6.15 Design

6.16 The layout of the development provides a logical response to the character of the surroundings with the larger blocks of flats on the Shirley Road frontage and the scale of buildings reducing within the central part of the site and along the boundary's with neighbouring residential properties. Towards Shirley Road the height of the dwellings on Villiers Road increase to reflect the importance and scale of Shirley Road buildings. The design appropriately enables the buildings that are proposed to directly face both Shirley Road (in the case of the flatted block) and Villiers Road (in the case of eight of the proposed houses). Within the site houses face the public realm which will take the form of a home zone designed to slow traffic speeds and provide a pleasant residential environment. The flatted block on Shirley Road frontage is sufficiently set back from the street to allow a reasonable depth planting area to be provided which can accommodate further tree planting to continue the tree screen on the adjoining site. The development includes sufficient amenity space in accordance with the guidance in Core Strategy Policy CS 16 and the Residential Design Guide. The amenity space is a mixture of private garden areas for the family-sized units and balconies; and shared garden areas for the occupants of the flatted block. These different amenity areas would adequately cater for the day to day needs of future occupiers. The development allows for the provision of a route through the site for pedestrians which will ensure that the site is permeable and thus will accord with the principles of good planning. The public space within the site will also be surveyed from habitable rooms within the development.

6.17 The scale and massing of the proposed buildings is considered to be acceptable to the character and appearance of the surrounding area. There are existing four-

storey buildings in the immediate vicinity on Shirley Road. The application site has a wide frontage to Shirley Road and the scale and form of the proposed block of flats, is appropriate in this context. The residential housing to the rear are much smaller in scale being a mix of two and three storeys in height and are well set of the boundaries. The house design and scale is compatible with adjoining residential properties. The amended scheme provides a traditional terraced frontage to Villiers Road which is acceptable in design terms and should enhance safety and security on this street. The detailed design treatment is of a simple contemporary form that reflects traditional plot widths and building heights where houses are directly adjacent to existing houses on Villiers Road. The proposed housing design is appropriate for this location.

6.18 This scheme has an appropriate density for this highly accessible area. At 64 dwellings per hectare the proposal is well within the range of density set out by Core Strategy Policy CS 5 which recommends a general density range of 50 - 100 dwellings per hectare in areas of medium public transport accessibility. However, the policy suggests that high densities (over 100 dph) should be limited to the most accessible areas, namely the city centre, areas close to and within Shirley Town Centre and the district centres. The application site directly adjoins Shirley Town Centre and the public transport corridor of Shirley High Street/Shirley Road. A higher density development could be considered to be acceptable in this location as it would result in making efficient and effective use of previously developed land in a sustainable location as recommended by national and local policy. There are other high density housing developments in the area, for example, the mansion blocks adjoining (Withewood Mansions etc) which has a density of approximately 180 d.p.h and the neighbouring Hendy Ford site development has a density of 118 dwellings per hectare (Approved July 2011).

6.19 Transport and Parking Issues

6.20 The traffic and parking issues arising from this development have been raised by objectors. This is understandable as new residential accommodation can lead to parking pressure within local areas where development takes place. A parking survey has been undertaken and submitted with the application. The parking survey demonstrates that there is available parking within the local area however it also acknowledges that the local area does also suffer from on street parking stress. However due to the amount of car parking now proposed within the development and due to the highly sustainable location of the scheme the development is not opposed on parking grounds. It is noteworthy that the proposed parking for the development is significantly higher than that of the neighbouring development (Hendy Ford) where there are 61 car parking spaces for 91 residential units. This proposal, which in response to the consultation letters received, now provides 50 car parking spaces for 49 residential units (as detailed within the amended plans) and is considered to be appropriate. The car parking proposed is also considered acceptable as the development is located within a highly sustainable location where dependence on private motor vehicles is not necessary for day to day living. Shirley Road is one of the busiest bus corridors in the city and within a very short walk of the site there are a good range of shopping and other facilities.

6.21 Vehicular access to the site for residents will be from Villiers Road. The car show room will be accessed, by cars from Shirley Road, where one of the two existing accesses associated with the historic petrol filling station will be removed, and

also from an access through the undercroft within the flatted block. The car showroom will have a side access via the undercroft. To satisfy the Highways Development Management Team the frontage to the site will be defined by boundary treatment which will ensure that only one access to the site from Shirley Road is provided. This will also prevent a larger area of the public footpath from being used to access the site thus reducing the potential for the car sales business to damage the footpath to the detriment of the public realm.

6.22 **Environmental Issues**

6.23 The appearance of the site will be significantly enhanced as a consequence of the development, especially at the rear of the site which is dominated by a large industrial building and surface car parking. The existing trees on the site will be retained and a detailed landscaping scheme will be sought to ensure the public realm within the site is of high quality. In sustainability terms the standard conditions can be imposed relating to water and energy efficiency and the potential for SUDS.

6.24 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. This application will comply with the requirements of the SDMP (when the legal agreement is completed) and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7 **Summary**

7.1 This is a predominantly residential development that will be dominated by family housing of traditional scale. The amount of development proposed is considered acceptable for a large previously developed site in a sustainable location adjoining Shirley Town Centre and in environmental terms a significant enhancement would be achieved. A good mix of family and non-family units would be provided as well as a good balance between market and affordable housing. As amended, the proposed layout and design is considered to be acceptable and the amenities of neighbours would not be adversely affected. The loss of the existing employment use and the consequential implications for economic growth and local jobs needs to be weighed in the balance against other material considerations.

8 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) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

MP3 for 23/06/2015 PROW Panel

PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works
The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

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

02.APPROVAL CONDITION - 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.

03.APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, balconies, 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.

04. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the development is first occupied full details of facilities to be provided for the storage and removal of refuse from the residential units (flats and houses) together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include

accommodation and the provision of separate bins for the separation of waste to enable recycling including separate facilities for glass separation. The approved refuse and recycling storage facilities for both the flats and the houses (once approved) shall be retained whilst the development is used for residential purposes.

Reason:

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

Note to applicant:

Unless otherwise agreed in writing the refuse store associated with the flatted scheme shall:

- *Be constructed of masonry under a suitable weatherproof roof, with adequate ventilation.*
- *Collection doors shall be 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 gully to be provided, with suitable falls to the floor.*
- *Internal doors/walls/pipework/conduits to be suitably protected to avoid damage cause by bin movements.*
- *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.*

05. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]
Notwithstanding the approved plans adequate cycle storage facilities for the occupants of the houses and flats, to conform to the Local Planning Authorities standards, shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the development hereby permitted commences and such storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- iv. details of any proposed boundary treatment including details of a suitable boundary treatment to the site frontage onto Shirley Road to control vehicles being driven over the footpath from the sales display area.
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

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

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

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

Reason:

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

08.APPROVAL CONDITION - Residential - Permitted Development Restriction

[Performance Condition]

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

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

Class B (roof extensions),

Class E (curtilage structures),

Reason:

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

09.APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]
No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

10.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.

11.APPROVAL CONDITION - Construction Method Statement (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 has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. 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

12.APPROVAL CONDITION – Car Parking – sight lines. (Pre-Commencement Condition)

The development hereby approved shall not commence until a plan indicating adequate sight line provision for all vehicular access points has been submitted to and approved in writing buy the local planning authority. Once approved the sight line provision shall be implemented in accordance with the approved details prior to the occupation of the development and retained whilst the site is in residential use.

Reason:

To ensure adequate on-site parking and servicing facilities can operate safely

12. APPROVAL CONDITION – Layout of Car Parking/Serviceing (residential use) (Pre-Occupation Condition)

The whole of the car parking, footways (including the undercroft access through the site) and road access/serviceing facilities to be provided for residential use shown on the approved plans shall be laid out and made available before residential occupation of the development hereby approved and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose. No more than two disabled car parking bays are necessary and thus revised parking layout can be submitted to demonstrate an alternative parking arrangement increasing the number of parking spaces provided. If an alternative parking arrangement is chosen amended plans must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development., once approved the development must take place in accordance with the

agreed details and the on-site parking shall be allocated as at least 1 parking space per dwelling.

Reason:

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

13.APPROVAL CONDITION - Car parking layout for the commercial unit - (Pre-Occupation Condition)

The details and layout of car parking and access arrangement for the commercial car sales business proposed on the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the commercial unit on site and all redundant access points around the site to be reinstated with full kerbs, and the footway reconstructed to suit new levels. Once approved the commercial unit shall only operate in association with the approved details.

Reason:

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

14.APPROVAL CONDITION – Tracking – Pre-commencement condition.

Notwithstanding the approved plans, prior to the commencement of development a tracking diagram is required to prove a 10.86m long refuse vehicle can enter and leave the site in a forward gear. Once approved the development must be carried out in accordance with the approved plans and the layout approved retained in perpetuity.

Reason:

To ensure that the development can be serviced appropriately, and in the interest of highways safety.

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

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

1. A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management process which will maintain these areas in the future, and a bond will be required to support this process.

Reason:

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

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

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

all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

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

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

Reason:

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

17.APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

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

Reason:

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

18.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.

19.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]
The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason:

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

20.APPROVAL CONDITION - 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.

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

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

Reason:

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

22.APPROVAL CONDITION Archaeological evaluation [Pre-Commencement Condition]

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

Reason:

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

23.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.

24.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.

25.APPROVAL CONDITION Archaeological work programme (further works) [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.

26.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.

27.APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

28.APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

29.APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence, apart from demolition of the existing buildings, 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.

30.APPROVAL CONDITION - Protection of sewers (Pre-commencement condition)

No demolition shall commence, apart from demolition of the existing buildings, until details of measures to protect or divert the public sewers which cross the site, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved measures unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure this important public infrastructure is protected during the course of construction of the development.

POLICY CONTEXT

Core Strategy - (Amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (Amended 2015)

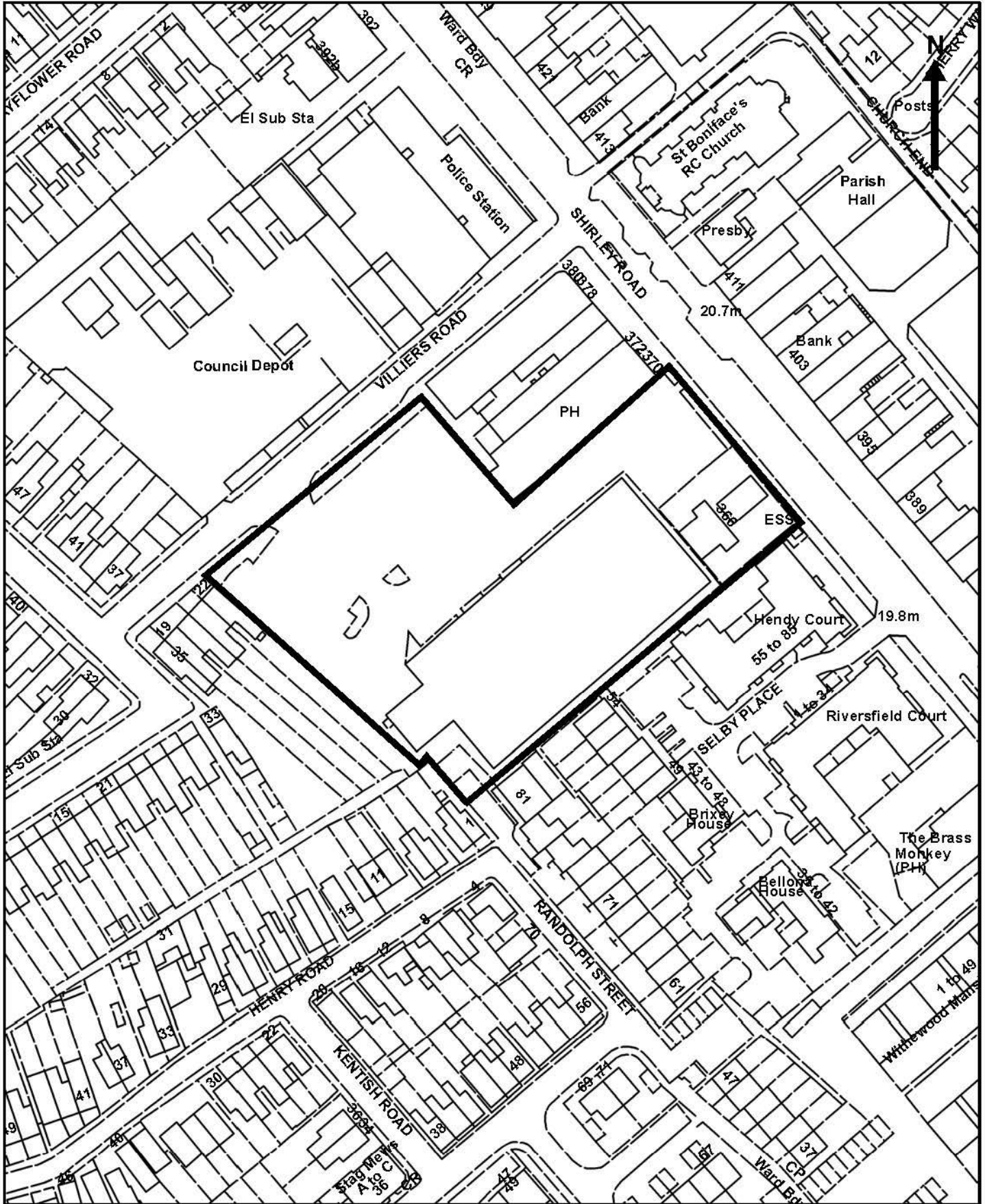
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

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



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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23 June 2015
Planning Application Report of the Planning and Development Manager**

Application address: Former Meridian Broadcasting Site, Radcliffe Road			
Proposed development: Redevelopment of the site to provide 351 dwellings (145 x one bedroom, 174 x two bedroom, 32 x three bedroom) within buildings ranging in height from two-storeys to 13-storeys with retail use (Class A1 - 390 sq.m. floorspace), offices (Class B1 - 108 sq.m. floorspace); 363 car parking spaces; improved access from Radcliffe Road and Summers Street; landscaping and an extension of the local park to the waterfront; a new waterfront walkway associated with flood defence measures (Outline application seeking approval for access, layout, scale and landscaping).			
Application number	14/01747/OUT	Application type	OUT
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A (Planning Performance Agreement)	Ward	Bevois
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Barnes-Andrews Cllr Burke Cllr Rayment
Referred by:	N/A	Reason:	N/A

Applicant: Inland Homes Plc	Agent: Luken Beck
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. In taking the decision the Council is prepared to allow a predominantly residential development of this site, notwithstanding the requirement for a significant employment use in view of the long period the site has been vacant and the viability issues associated with redevelopment of the site. The viability assessment has been independently examined and the Council is satisfied that affordable housing cannot be provided. The development is found to be acceptable in terms of housing density, design, flood risk and transportation issues. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is

therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP22, NE4, NE5, HE6, CLT5, CLT6, CLT7, H1, H2, H7 and MSA16 of the City of Southampton Local Plan Review (as amended 2015) and Policies CS4, CS5, CS6, CS7, CS12, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulation Assessment

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 2 of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - iii. Provision of on-site public open space and commuted sum for maintenance.
 - iv. 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.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Provision of public art in accordance with the Council's Public Art Strategy.

- viii Provision of an improved riverside walkway with permanent rights of public access.
 - ix Submission and implementation of an Air Quality Mitigation Plan.
 - x. Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved Policy SDP 12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
 - xi. Phasing of the development.
3. In the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site is approximately 2.8 hectares in area and is situated on the eastern side of Radcliffe Road and is bounded by the River Itchen to the north; Northam Road to the east; Summers Street to the south; and Radcliffe Road to the west. The site is vacant and cleared of buildings having last been used as the broadcasting studios for Meridian TV. There are trees on the boundary of the site including a group of Lime trees in the south-western part of the site fronting Summers Street. These trees are subject of The Southampton (former Meridian Television Centre) Tree Preservation Order 2008.
- 1.2 The surroundings of the site are mixed residential and commercial in character with two-storey houses to the south in Leyton Road and Union Road with an area of public open space; industrial uses at Mount Pleasant Industrial Park and the Northam Traincare Maintenance Facility to the west; and the mixed commercial uses at Drivers Wharf with a residential frontage to Northam Road to the east. The majority of the site is within a Flood Risk Zone (Zones 2 and 3), the exception to this is the land in the south-western corner of the site which is in Flood Risk Zone 1 (a low risk of flooding).

2. Proposal

- 2.1 The application is in outline form with all matters for consideration at this stage with the exception of external appearance of the buildings. The application indicates a development which would be carried out in four phases to provide a total of 351 dwellings (145 x one bedroom flats, 174 x two bedroom flats, 8 x three bedroom flats, 12 x 3 bedroom 'duplex' units and 12 x 3 bedroom houses). The proposed building heights range from two-storeys on the Summers Street frontage to 13-storeys in the north-east part of the site. The density of the development would be approximately 125 dwellings per hectare.
- 2.2 The development incorporates some commercial floorspace, a retail unit (Class A1) of 390 square metres floorspace fronting Radcliffe Road and a small office unit (Class B1) of 108 square metres floorspace. Vehicular access to the site would be

from Radcliffe Road and Summers Street. The applicant has indicated that the roads within the development would remain private rather than becoming adopted public highway. A total of 383 car parking spaces would be provided, either just off the access roads or within an undercroft/covered car parking area in the northern half of the site.

- 2.3 The application incorporates land raising of the northern part of the site to deal with flood risk issues. The blocks of flats within Phases 3 and 4 of the development would be raised to a level of 4.2 metres AOD. The lower land would be used for car parking purposes within an undercroft.
- 2.4 The development incorporates an extensive area of open space of approximately 3,000 square metres in area along the eastern part of the site linking Summers Street to the river frontage. The existing riverside walkway will be upgraded to a minimum of 4 metres wide.
- 2.5 It has been indicated that the development would be carried out in four phases with the first phase comprising 54 dwellings and the commercial unit in the south western part of the site. Later phases would be constructed in an anti-clockwise direction finishing in the north western part of the site adjoining Radcliffe Road. This would mean that the raised flood protection measures would be built as part of Phases 3 and 4.
- 2.6 The application has been amended since it was submitted in response to comments made at the consultation stage. The main changes are: an increase in the width of the riverside walkway; the addition of seating areas along the walkway; alterations to the flood protection slope fronting the walkway; the provision of visitor parking spaces in both Summers Street and Radcliffe Road (a total of 20 spaces); changes within the site to improve access and parking arrangements; and various design alterations to the building.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is allocated for development under Policy MSA 16 of the Local Plan. This allocation is for the Drivers Wharf Development Area and covers the application site, Drivers Wharf and the European Metals Recycling Yard which adjoins to the east on the opposite side of Northam Road. The allocated area is identified for an employment-led mixed-use scheme including offices, light industry and residential uses. Ancillary retail and leisure uses will also be permitted. The policy states that:

'Any proposal for the partial development of the Drivers Wharf Development Area must:

- (i) include provision to secure improvements in the infrastructure;*
- (ii) ensure the development would not preclude or prejudice the comprehensive development of the area; and*
- (iii) provide the inclusion of a significant element of employment generating uses in each part or phase of the development.'*

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy

SDP13.

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

4. Relevant Planning History

- 4.1 The application site was formerly in industrial use and became a Television Studio in the mid 1960's. Various alterations and extensions were subsequently made to the studio use none of which are relevant to the current application. The television studio use ceased in 2004 and the buildings were demolished in 2008.
- 4.2 In 2003, a planning application was submitted for partial redevelopment of the site to provide 112 residential units in a 6-storey building and a 12-storey building (reference 03/00851/FUL). The application was submitted on the basis that the TV studio use would remain on site with the residential buildings at either end. The planning application was withdrawn once it became known that the studios were leaving the site.
- 4.3 In 2008 and again in 2011, one year temporary planning permissions were granted for use of the site for open storage purposes (references: 07/02053/FUL and 11/00925/FUL). Neither of these permissions were implemented and have now expired.
- 4.4 In August 2013, a Screening Opinion was issued confirming that redevelopment of the site to provide approximately 250 dwellings, approximately 400 square metres of ancillary commercial and leisure floorspace with associated car parking was not Environmental Impact Assessment development (reference: 13/01013/SCR).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (14.11.2014) and erecting a site notice (11.11.2014). At the time of writing the report 1 representation has been received from surrounding residents as well as the comments from local groups set out later in this report. The following is a summary of the points raised:
- 5.2 **At present there is a substantial screen of trees along Summers Street which provide a visual screen. The application should be amended to landscape and retain the trees along Summers Street.**

Response

The loss of these trees, which are covered by a TPO, is regrettable as they provide welcome greenery in what is otherwise quite a 'hard environment'. However, it is also important that the new development provides a conventional building frontage to the street which means that these trees cannot practically be retained. The proposed development includes a new area of public open space and the opportunity for considerably more tree planting than is on the site at present.

- 5.3 **The size and impact of the development is also a concern with excessive traffic through Summer Street resulting in a serious loss of privacy and road safety.**

Response

Summer Street is currently a short cul-de-sac. It will remain as such with no vehicular connection to Northam Road. It is inevitable that there will be an increase in activity compared with the currently vacant site. The Council's Highways Team are satisfied that road safety will not be compromised by these proposals.

Consultation Responses

- 5.4 **SCC Highways** - The development site is located on a strategic transport corridor into the city centre, the A3024. For long sections this road is dual carriageway, although currently there are restrictions due to railway bridges and the introduction of a bus lane to the south of the site, entering the city. This site takes access from Radcliffe Road and Summers Street, feeding into the A3024 at a traffic signal controlled junction via Union Road. To the west of the site, on Mount Pleasant Road, access is available to areas avoiding the city centre, although there is a busy railway level crossing where delays at peak times can reach between 20 and 25 minutes in the hour. The site is located well for public transport as the A3024 carries numerous bus routes to and from the city centre including via some dedicated bus lanes. Until reaching Secondary school age, it is likely that children from the proposed development will attend the local schools in Mount Pleasant Road, which involve crossing the railway level crossing, using existing footways. Secondary school pupils would need to travel further, and via different routes. There is a dedicated cycleway footpath which runs along the river edge along the site frontage, linking from Horseshoe Bridge, with Portswood beyond, and the inbound side of the A3024. At grade pedestrian crossing facilities exist to cross the A3024 via a traffic signal Toucan crossing, although no other arms of the junction have such facilities there are some island refuges.
- 5.5 The development of 350 homes is on the site of a former employment site. The nature of the vehicular trips generated by a residential scheme is different to an employment area, peak movements do tend to be around the same time, coinciding with the peak flows on the network, although tending to be in opposite directions. Pedestrian and cycle trips differ too, due to children and older people likely to be living within a residential scheme, and the times and trends of their trips differ significantly. It is clear from the Transport Assessment information that the Union Road/A3024 junction will run close to capacity at peak hours. Local transport modelling identifies that there will be impact on the A3024 and traffic flows at the Union Road junction. These impacts are not sufficiently great to trigger a major junction and capacity upgrade, but some changes are required to benefit the capacity issues of the junction.
- 5.6 Highway officers have been working with the applicants to identify how traffic can be handled for this development without compromising existing traffic or highway safety. Currently, when exiting Union Road through the traffic signals with the A3024 it is not possible to turn right. This permits the pedestrian controlled crossing to have a green time coinciding with the Union Road green time. It was suggested that traffic exiting Union Road should benefit from a right turn, but this would put undue delay on the through traffic on the A3024, as there would be additional red time for this

traffic, due to the pedestrian crossing having to run independently of all other phases of the traffic signalling. The outcome of this decision is that all traffic from the development wishing to head towards the city centre will need to cross the A3024, and travel along Princes Street, and this adds risk to additional traffic levels likely to 'rat run' through the Northam Estate, exiting back out onto the A3024 via Kent Street. Traffic exiting the site wishing to cross over the Mount Pleasant level crossing will add to the queuing here, but there is no way of mitigating against this.

5.7 The development offers residential parking on a 1:1 basis, and the retail element has its own dedicated parking spaces and loading bay. Due to the highly accessible location of this development, which is within walking and cycling distance of the city centre, this level is considered acceptable. It is considered however that parking provision in Summers Street should be amended to permit higher levels of parking on the south side of the road to compensate for the lost parking on the north side where properties have accesses to on plot parking. This will assist in accommodating any overspill parking from the development for visitors, without compromising the amenity of existing residents in Leyton Road, albeit this parking will be time restricted as it currently is. Highway officers accept that the application site will generate traffic regardless of the use for employment, or residential. With appropriate measures put in place to mitigate against the concerns raised above, and appropriate conditions it is considered that the development is acceptable. Also, the design and layout of the development does not compromise any future plans to improve the A3024 junction with further developments which may be proposed in years to come.

5.8 **SCC Housing** – As the scheme comprises 351 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 123 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case provision would be sought on site with the mix, tenure and location of dwellings to be agreed. We would like to see some fully compliant wheelchair units amongst the affordable housing provision. Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

5.9 **SCC Sustainability Team** – The applicant has provided an Energy Strategy and a Sustainability Statement, which includes a Code for Sustainable Homes pre-assessment estimator. Although the development includes a commercial element, this is less than 500 square metres. As such, there is no requirement for the development to meet a specific BREEAM level or carbon reduction target. Nonetheless, the energy statement still considers this element of the scheme and recommends ways for energy use to be reduced. This involves an efficient thermal envelope and use of air source heat pumps for heating and cooling. I would completely agree with the suggested approach. On the whole, the applicant, with the aid of their sustainability consultant, has approached the issues of energy and

sustainable design in a holistic and entirely appropriate way. They have considered and followed the energy hierarchy and a very sensible approach has been put forward. The submitted pre-assessment estimator shows that Code for Sustainable Homes level 4 should be achievable for the scheme, which is in compliance with Policy CS20. Together with sensible orientation and good use of PV, this has resulted in a 20.6% decrease in carbon emissions compared to a Building Regulations baseline. The use of permeable paving and attenuation is a perfectly suitable means of Sustainable Urban Drainage for this site. Overall, the applicant should be commended for approaching the issue of sustainable design and energy provision in such a holistic and comprehensive way.

- 5.10 **SCC Environmental Health (Pollution & Safety)** - No objections on noise or air quality grounds. Additional information will be needed on which windows will require acoustic treatment. This can be covered by a condition. The air quality report confirms that due to the buildings being set back from Northam Road by 30 metres NO₂ levels are satisfactory for the new dwellings. Air quality mitigation measures, including providing plug-in points for electric vehicles can be secured through the Section 106 agreement and conditions.
- 5.11 **SCC Flood Risk Officer** – In principle I am comfortable with the overall proposals as they are consistent with the detail provided in early discussions on the flood risk related works to the site. The levels to be achieved with the land raising are as stated in the Southampton Coastal Flood & Erosion Risk Management Strategy. Any provision of formal flood defences would only be required to this standard (based on the latest sea level rise figures) and since the raised land section will form part of the strategic flood defence for the west bank of the River Itchen I'm comfortable with the 4.25mAOD level on this site.
- 5.12 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Reclaimed Land - on site
 - Timber Pond - on site
 - Railroad - on site
- These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by planning conditions.
- 5.13 **SCC Ecology** – The application site comprises an extensive area of hard standing, formerly car parking and the footprint of a building, a mound of rubble, two small buildings, small areas of improved grassland, scattered trees and scrub. The site lies approximately 100m to the south west of an area of inter-tidal mudflat which forms part of the nationally designated Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). This habitat is also part of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site which are European and internationally designated sites respectively. In addition, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lie approximately 2.4km to the north east. Immediately adjacent to the site lies the non-statutory River Itchen Mudland Site of Importance for Nature Conservation (SINC). The majority of the site is of negligible biodiversity value

however, the vegetation does have some ecological value at a local level. In particular, this habitat has the potential to support breeding birds, foraging bats and slow worms. Provided appropriate mitigation measures are put in place, adverse impacts on these species can be avoided.

- 5.14 Although there is a negligible risk of direct impacts on statutorily designated sites, the proposed development does have potential to result in indirect adverse impacts. The majority of these have been identified within the 'Meridian Gardens Report to Inform a Habitats Regulations Assessment' although the effect of vibration impacts on Atlantic salmon has been missed. All of the identified impacts can be adequately mitigated however, some aspects of the scheme's design may need to be amended. In particular, the proposal for high levels of lighting along the river's edge may need to be altered to avoid adverse impacts on salmon and potentially feeding wildfowl. Surveys undertaken in support of the development at Centenary Quay recorded significant night time use of the inter-tidal area by dunlin, *Calidris alpina*. The principal means of delivering of the mitigation is the Construction Environmental Management Plan. At present, this document contains a number of measures designed to reduce the adverse impacts on features of interest of European sites however, I do not feel that they are sufficiently detailed. In addition, measures to protect Atlantic salmon will need to be added. I also feel that it would be helpful for the CEMP to contain a specific objective to protect the ecological interests of the designated sites which would serve to underpin the importance of the mitigation measures.
- 5.15 Mitigation measures involving the provision of information or payments towards the Solent Recreation Management Project will need to be secured through planning conditions or legal agreements. In terms of local biodiversity value, it is disappointing that, on a scheme of this size, the biodiversity mitigation and enhancement measures proposed are so limited. The scheme seeks to exploit the natural attraction of a riverside location but provides little in the way of appropriate landscaping to strengthen the wildlife corridor that runs along the Itchen. In addition, some aspects of the scheme, such as the proposed high level of riverside lighting, have the potential to sever the corridor. Inclusion of native species within the planting scheme, particularly the riverside grassland, would provide useful habitat for local wildlife and make it a more attractive environment for the residents.
- 5.16 **SCC Design** - I agree and support the observations of the November Design Advisory Panel which are set out below:
- The Panel noted the changes from the original scheme and welcomed the proposals for the landscaping of the linear park and riverside walkway
 - The previous scheme included a 'square' which gave some hierarchy to the internal streets which has now disappeared to the detriment of the streetscape and should be re-introduced
 - The internal street layout appears to be largely dominated by car parking rather than a genuine home-zone
 - Although the landmark tower has been designed as part of a 'family' buildings given that this has been identified as a city gateway site the Panel asks whether a more dramatic city landmark building had been considered during the design process
 - We note the link created from the internal street to the waterfront but as this is 2.8m above street level over the podium car park it is unclear how, or if the public will have access to this route?

The only additional comments are:

- The CGI image for the proposed 13 storey tower is not particularly exciting or inspiring considering the aspiration for a city gateway building at this point, and I would prefer a building that 'stood out' more from the architecture of the rest of the proposal to create a positive focal point for those crossing Northam Bridge.
- The south facing elevation which is the least glazed on the CGI would provide fantastic views at higher level down the Itchen to Southampton Water and the New Forest Beyond, and pick up key city centre landmarks, such as the clock-tower and St Michael's and St Mary's church spires. I feel it is a missed opportunity not to have greater height in this location. Perhaps the units lost to form the 'square' referred to by the SDAP could be transferred to increase the height of a redesigned tower.
- The Linear Park shows a footpath to the waterfront with steps up over the strategic flood defence, which will also need a sensitively designed ramp to allow for disabled and cycle access to the riverside.

Response

These comments are addressed later in this report.

- 5.17 **SCC Heritage** - The site lies within Area 16 (Rest of Southampton) of the Local Areas of Archaeological Potential. Development here may damage remains associated with the prehistoric, Roman and Medieval occupation of the city, although much of the site will have been severely damaged by later timber ponds, and the construction of the new Northam Bridge and associated road. A phased programme of archaeological work should be commissioned by the developer. The work should concentrate on the southernmost part of the site immediately to the north of Summers Street. An archaeological evaluation should be commissioned to establish the presence or otherwise of archaeological deposits, followed by such further work as is required. This can be covered by conditions.
- 5.18 **SCC Trees** - The site consists of mainly hard standing with debris and spoil piled throughout. The lack of maintenance has resulted in a large number of self-seeded trees within the boundary and interior of the site, most of these are of little significance and importance. However the site does house both larger tree specimens and group features which are an important landscape feature to an already congested urban and industrial area. The Tree Schedule from Aspect Arboriculture (drawing number 8901 TPP 01) shows the removal of a large number of these landscape, high amenity trees. The removal of the trees to the Northern and eastern edge of the site is acceptable given the compensatory planting that is demonstrated in ACD Ecology's Master Plan (drawing number INL1947-10) These will be integrated with trees to be retained. The trees to be planted will be of a minimum of 25cm stem diameter and a minimum of 4.5m in height, resulting in almost instant landscape trees to replace any removals.
- 5.19 The Tree Schedule and Tree Protection Plan provided also shows the removal of G7 group category B12 consisting of nine Common Limes. These trees are covered by The Southampton (former Meridian Television Centre) Tree Preservation Order (No 493) 2008. This makes them a material consideration in the planning process. These trees currently offer a green belt between the industrial area behind and current housing, in the future these will also screen the proposed development. The

proposed plans show the removal of these trees to be replaced with hard standing car parking. This would result in a large decrease of green cover in a built up urban area. The proposed planting density across the site is good, but I feel there is a lack of green cover planned between the new development and current housing. I am therefore not supportive of the current layout given the need to remove a large belt of protected trees that currently offer high visual amenity to the local area and no plans to suggest adequate tree planting to the South of the site.

5.20 **Environment Agency** - The Environment Agency has no objection to the proposed development. Our response to this planning application is on the understanding that Southampton City Council is satisfied that the Sequential Test has been adequately demonstrated to the requirements set out in the National Planning Policy Framework (NPPF). This means that before proceeding to a determination, Southampton City Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in a lower flood risk zone. With regard to surface water, the proposals show that there will be a reduction in the overall surface water runoff from the development through the implementation of various SuDS techniques.

5.21 Flood Risk

We are happy with the Flood Risk Assessment (FRA) in general but would like to make the following points/recommendations. In terms of the proposed defences, whilst the FRA details the proposals clearly for flood mitigation in terms of land raising and defences, it is not clear from the drawings submitted what these will look like and how they will be constructed. We recommend that Southampton City Council are content that what is being proposed is appropriate for the site and fits with the wider strategy for future flood defences for the city.

5.22 Predicted flood levels

We note that the FRA uses climate change figures from the Southampton Coastal Flood and Erosion Risk Management Strategy (CFERMS) when determining the level of the proposed defences and finished floor levels of the development. Table 4 of the Technical Guidance to the National Planning Policy Framework sets out the "Recommended contingency allowances for net sea level rises". Using these figures, the predicted future flood level for the year 2115 for Southampton is assumed to be 4.2m AOD. The proposed minimum level of development according the FRA is 4.25m AOD including a 300mm freeboard – using the figures from Southampton's CFERMS. Southampton City Council will need to confirm they are happy with this approach at this site when coming to a decision on any planning application submitted.

5.23 Dry access and egress

Whilst the proposed development itself should remain dry over its development life, it is assumed that the proposed extensions will allow for an increased number of occupants to the building. The building itself remains at risk of flooding and therefore, the LPA may wish to consider how this increase in occupancy may affect how the risks will be managed during a flood event. If the design flood event were to occur safe access and egress may be restricted.

Response

These comments are addressed later in this report

5.24 **BAA** - No objections on aerodrome safeguarding grounds providing conditions are imposed on any permission granted.

5.25 **Natural England** – No objection – they comment as follows:

Internationally and nationally designated sites

The application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) which is a European site. The site is also listed as Solent and Southampton Water Ramsar site¹ and also notified at a national level as Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The application site is also in close proximity to the New Forest SPA/Ramsar/SAC/SSSI sites and the River Itchen SAC/SSSI sites. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have

5.26 **Solent and Southampton Water Ramsar/SPA and Lee-on-the-Solent to Itchen Estuary SSSI**

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

5.27 **New Forest SPA/Ramsar/SAC/SSSI**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts, as detailed in the Aspect Ecology report. On the basis of information provided, Natural England concurs with this view.

5.28 **River Itchen SAC/SSSI - No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential

impacts, as detailed in the Aspect Ecology report. On the basis of information provided, Natural England concurs with this view.

- 5.29 **Network Rail** – The proposed development is located in close proximity to Mount Pleasant level crossing. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail and railway crossings are of a particular interest in relation to safety. I can confirm that Network Rail does not object to the proposed development.
- 5.30 **Southern Water** – Following initial investigations, there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Southern Water have no objections subject to conditions and informatives.

Response

Further discussions have taken place since these original comments were made. It is understood that a capacity assessment of the local sewerage system revealed the need for some off-site reinforcement works. It is understood that following these necessary upgrade works, the proposals will not negatively impact on the local sewerage network.

- 5.31 **City of Southampton Society** - This is an important site beside the river Itchen and along a primary route into the city. The quality of design and choice of building materials will be paramount. The design shown in these plans is not of sufficient standard. The proposed wide park is wrongly positioned - it should be along the river frontage. This will serve as an attractive setting for the development and for the important path/cycle path from Horseshoe Bridge to Northam Road. The flood defences should be attractive as well as effective. We recommend an additional 20 car parking spaces to allow for visitors to the complex.

Response

The application has been amended in response to some of these comments. 20 visitors car parking spaces have been provided as well as improvements to the riverside walkway. However, there is no change to the location of the public open space. This issue is addressed in further detail in paragraph 6.9 of this report.

- 5.32 **Southampton Commons and Parks Protection Society (SCAPPS)** - objects to the proposed development which fails to make sufficient and satisfactory provision for public enjoyment of the riverfront. Successive planning policies have emphasised the importance of improving public access to, and securing quality development on, Southampton's waterfront and riverfront. The proposed 'public park' has only a short frontage to the river with no specific provision to enhance public enjoyment of its river-bank location. The 'waterfront walkway' is, throughout its length, constrained in width and so, though sufficient for a paved path, inadequate to provide attractive opportunities for people to relax and enjoy the riverside.

- 5.33 Comments on the amended submission with additional details submitted by the applicant:

SCAPPS appreciates the careful consideration the applicants have given to the society's representations on the application as submitted. SCAPPS welcomes

the amendments to the design/layout of the riverside walkway and flood defence bank, and assurances about public recreational use of the grassed embankment. The Society appreciates the applicants' care in explaining, and seeking to justify, the location within the application site of the major 'public park' space. However, SCAPPS remains of the view that the proposed linear park is poorly located and would be a relatively unattractive space compared with more generous provision of public green space on the river frontage. The details confirm that it will be narrow and hemmed in by the rising embankment of the approach to Northam Bridge on one side, buildings of substantial massing and height on the other and shut off from views out to the river by the flood defence bank. SCAPPS supports the concept of a green pedestrian link (i.e. a path flanked by grass and trees) from Northam Road/Union Street, through the existing Summers Street public open space and the development site to the river front path. SCAPPS sustains its objection that the major public green space proposed in the application is in the wrong place and that it should be on the river frontage outside the flood defence embankment.

- 5.34 The applicant's response to SCAPPS' concern that the application should include provision of a children's play area is to suggest a S106 contribution to replacing/upgrading play equipment in the Summers Street public open space. The Summers Street public open space is an inadequate, unattractive green space which is at present under-used (and probably misused). It requires a great deal more improvement than just new play equipment. The development should include provision for renovation of this neglected green space. The application should include provision for completion of the high-quality riverside path linking, at one end of the site, under Northam Bridge to the main pedestrian and cycle approach from the Northam Road spur and, at the other end of the site, to the existing boardwalk alongside the railway.

Response

These issues are addressed later in this report.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of this form of development involving a predominantly residential development
 - Design issues and the amount of development proposed
 - Transportation issues
 - Flood risk, ecology and other environmental issues
 - Section 106 and viability issues

6.2 Principle of Development

The site is identified under Policy MSA 16 in the Amended Local Plan (2015). This identifies the area for an employment-led mixed-use scheme. This proposal would not fully comply with the employment-led objectives of this policy. It is worth noting that policy allocation MSA 16 covers several sites in different ownerships on either side of Northam Road up to and including the substantial European Metals Recycling site. The policy recognises that the allocated site may be re-developed in phases, in which case a significant employment element should be included in each phase. This mixed use allocation has proved to be difficult to achieve and several redevelopment schemes have failed to come forward on this site. The site has been vacant for over 10 years and cleared of buildings for 7 years. The existing cleared and dilapidated appearance of the site is an eyesore at an important gateway to the City centre.

- 6.3 Guidance in the NPPF is also relevant to consideration of this application. The NPPF promotes the presumption in favour of sustainable development by, inter alia, encouraging the effective use of land by reusing land that has been previously developed. On the specific issue of land allocated for employment purposes, paragraph 22 of the NPPF states:

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

In these circumstances redevelopment of the site for a predominantly residential development is considered to be acceptable in principle. The proposal would make good use of a previously developed site and could prove to be a catalyst in contributing towards the wider regeneration objectives of Drivers Wharf and Itchen Riverside. The proposal does include a small element of commercial uses, a retail store to serve local needs and a small office building. The scheme will assist the Council in meeting its significant housing need to 2026 (LDF Policy CS4 refers)

6.4 Design issues and the amount of development proposed

The 2012 Strategic Housing Land Availability Assessment (SHLAA) identified the potential for this site to accommodate up to 300 dwellings in the 2017-2022 period. The proposal for 351 dwellings would result in a residential density of approximately 125 dwellings per hectare. The site has a PTAL value of 3 and 4 meaning it is an area of medium public transport accessibility, whereby Policy CS5 of the Core Strategy indicates that net densities should generally accord with 50-100 dwellings per hectare (medium density) in these areas. This overall density guidance should not be applied slavishly to all sites across the city. This is a large site with an extensive river frontage; the site lends itself to taller buildings of the type proposed here. Rather than the amount of development in itself, it is necessary to consider design, layout and amenity issues in order to ensure a high quality development is provided on this key regeneration site.

- 6.5 Core Strategy Policy CS 16 Housing Mix and Type notes that the Council will provide a mix of housing types and more sustainable and balanced communities

through the provision of a target of 30% of total dwellings (gross) as family homes on sites of ten or more dwellings. It is further stated that the appropriate percentage of family housing for each site will depend on the established character and density of the neighbourhood and the viability of the scheme. This proposal would result in the provision of 32 family homes (3+ bedrooms) which would constitute only 9% of the total number of units to be provided. This provision is therefore significantly below the policy requirement of 30%. This has to be balanced against the other benefits and characteristics of the scheme which provides a logical split of family housing to the south and flatted development to the north where the buildings sit above the flood defences. In the particular circumstances of this case, including the viability issues addressed below, it is considered that the development provides a reasonable mix of one, two and three bedroom dwellings. In terms of amenity space provision, the family houses in the southern part of the site have gardens which comply with the guidance. The flatted blocks have two large communal spaces between the blocks of some 1200 square metres and 1600 square metres. In addition the flats will probably incorporate balconies although details of balconies are not provided at this outline stage. This level of amenity space provision together with the new public open space and improved riverside walkway would provide a satisfactory environment for future residents.

- 6.6 The layout of the proposed development takes the form of logical perimeter blocks which allows buildings to front Summers Street and Radcliffe Road in a conventional way. The creation of traditional streets within the scheme will help to integrate the development with the established residential streets to the south. The new road running north/south would effectively be an extension of Leyton Road into the new development. It is unfortunate that this route cannot extend right through to the waterfront but this is a result of the need for the land raising to prevent flooding of the site.
- 6.7 The proposed open space on the eastern side of the site would be faced by main building frontages rather than the rear building face. On the river frontage, which is north facing, rather than a continuous elevation which would block sunlight to the riverside and walkway, three blocks of flats are proposed essentially 'end-on' to the river frontage. This allows not only for sunlight penetration but also for views upstream and downstream for the future occupiers of the flats. The window to window distances between the blocks of flats is some 34 metres which will safeguard privacy and allow for useable communal gardens for the flats which are raised above the level of the public walkway thereby maintaining privacy for the flat occupiers.
- 6.8 Proposed building heights range from 2-storeys fronting Summers Street to a 13-storey block of flats in the north-east corner of the site. The two other blocks of flats facing the river are seven-storey buildings. The lower level buildings would be of a similar domestic scale to the existing houses to the south. Previous pre-application proposals for this site, which did not come to fruition, involved taller buildings on the river frontage. An argument could be made that the site is suitable for a taller landmark building as a gateway in to the city centre. However, the applicant has chosen not to adopt this approach for viability and design reasons. The application has to be considered on its own merits: the form and scale of buildings is considered to be acceptable in the context of the surroundings. Some of the consultees have raised concerns about the architectural quality of the development but external appearance is a reserved matter and the detailed design issues will be considered at a later stage.

6.9 The open space and riverside walkway

The application includes a new area of publicly accessible open space at the eastern end of the development alongside Northam Road. It would vary in width from 26 metres to 30 metres and would extend from Summers Street to the waterfront. The representations to this application from SCAPPS and the City of Southampton Society consider that this area of open space is in the wrong part of the site: they consider it should be directly adjoining the waterfront. This issue has been considered and discussed with the applicant at the pre-application stage and during consideration of the planning application. The benefit of the current location for the open space is that it should draw the public into the site and provide an improved approach to the waterfront than is currently the case; the existing approach to the riverside walkway in this location is from the opposite side of Northam Bridge underneath an archway. The applicant has drawn attention to other open spaces in the City, such as The Avenue where there are tree lined approaches along major routes. It would be true to say that open space in this part of the site would be affected by traffic noise and the raised approach to the bridge. On the other hand it would get more sunlight than a north facing open space adjoining the waterfront. The layout of buildings on the site would allow for good surveillance of this space which should be beneficial in terms of safety and security. Although the open space would not be a formal play space, the detailed design of the open space could incorporate the potential for informal play areas. The detailed layout and design of the open space could be covered by a condition. The arguments for and against the location of the open space are finely balanced but it is considered that the area on the east side of the site is appropriate in these circumstances.

6.10 There is an existing public walkway on the river frontage but it is quite narrow and not particularly attractive. The proposals will widen and enhance the quality of the walkway making it appropriate for both pedestrians and cyclists. The width of the walkway varies but at its minimum it would be four metres. The amendments made to the application incorporate seats and a sloping embankment at an angle of about 25 degrees which mean the area could be used for seating and recreation purposes. The overall distance from the river edge to the defensible private area of the development would vary between 10 and 15 metres. This is considered to be appropriate and acceptable.

6.11 Transportation issues

Members attention is drawn to the detailed comments of the Highways Team in paragraphs 5.4 to 5.7 of this report. Traffic conditions in the area are already difficult, partly because of the issues associated with the Mount Pleasant Rail Crossing. The applicants Transport Assessment concludes that there are existing issues at the level crossing in peak hours and in the worst case queues would increase by a maximum of seven vehicles. However, these additional queues would not impede any further junctions on the local highway network. A detailed capacity analysis of the key road junction of Northam Road/Union Road/Princes Street has been undertaken. To accommodate the proposed development it is proposed to optimise the signal timing at this junction to allow for the additional demand. These junction improvements can be secured through the Section 106 agreement. Government guidance within the NPPF states that decisions should take account of the opportunities for sustainable modes of transport to be taken up, that safe and suitable access to the site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF concludes that development should only be

prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Based on the Transport Assessment and the Highways team's analysis that could not be concluded in this case. The traffic impact of this development has to be considered against the background of the previous commercial use of the site or an equivalent replacement employment use as required by Policy MSA 16.

- 6.12 The level of car parking is based on one to one provision with 12 additional spaces for the commercial uses and 20 spaces for visitors. This is considered to be satisfactory for this location. The layout of the site has something of a 'homezone feel' to the design which is similar to that further to the south in Radcliffe Road. The parking arrangements are a mixture of on plot parking for the proposed houses, courtyard parking between the blocks with the majority of the parking spaces being within an undercroft beneath Phases 3 and 4. These arrangements mean that most of the parking would not dominate the appearance of the development thereby allowing for more green space and landscaping.

6.13 Environmental issues including flood risk, trees and ecology

Flood Risk

Officers are satisfied that this proposal meets the sequential/exception tests as required by national policy in the NPPF. A strategic approach to flooding in this part of the city is currently under consideration through the River Itchen Flood Alleviation Scheme. The proposal for this site is coming forward in advance of this strategic approach being implemented. The northern part of the site is at risk of flooding. The proposals for the development are to raise the site levels along the western perimeter of the site to 3.75 metres (AOD) which is the forecast flood level for 2060. The proposed flood protection works along the northern edge of the development would be up to the 2110 flood protection event year and would raise the land to a level of 4.25 metres (AOD). These levels are those stated in the Southampton Coastal Flood and Erosion Risk Management Strategy and are based on the latest sea level rise figures. The raised land section will not only protect the site but will form part of the strategic flood defence for the west bank of the River Itchen. The Council's Flood Risk Adviser is satisfied with this approach and the wider public benefit of the land raising is welcomed.

6.14 Trees and landscaping

The loss of the existing trees, which are subject of a Tree Preservation Order is regrettable. These trees currently provide a valuable tree screen in an otherwise rather barren landscape. However, the proposal must be considered in its entirety. The development once completed will add significant greenery to the area with a large increase in the number of trees and a new area of public open space. This will enhance the character and appearance of this area. A 2:1 replacement is recommended.

6.15 Ecology issues

Members attention is drawn to the comments of the Council's Planning Ecologist in paragraphs 5.13 to 5.15 of this report. In particular Appendix 2 of this report is the Habitats Regulation Assessment necessary as part of this development. This assessment is required before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give

approval to the project. The Habitats Regulation Assessment concludes that there will be no adverse effects on the European sites. Members are recommended to endorse this conclusion to allow the planning application to be decided.

- 6.16 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. This application will comply with the requirements of the SDMP through the Section 106 agreement and therefore meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.17 Viability and Section 106 issues

Development of this long vacant site raises particular issues relating to economic viability. A financial appraisal of the viability of the proposed development has been independently assessed. In summary, the overall report demonstrates and confirms that the current development proposal has serious viability issues, which negates the provision of the Affordable Housing obligation and also has implications for the other financial related planning obligations within the current Section 106 Agreement, to such an extent that leads the report to question the financial rationale behind the development proposal, given the current deficit on the scheme. In response to these concerns, the applicants are confident that they can still deliver the scheme on a phased basis in view of their track record of regeneration schemes of this nature. On the basis of this appraisal the scheme will not be able to support any affordable housing. LDF Policy CS15 confirms that affordable housing requirements will take into account the viability of the scheme and on this basis the scheme accords with the development plan. This is regrettable but this has to be considered against the overall benefits of regenerating this long vacant site. Furthermore, this is a large scale development which will be undertaken in phases over several years. It has been accepted practice in recent years for the viability to be reviewed if the development does not come forward within an agreed timescale. This mechanism can be used for the application to allow the position to be reviewed should market conditions improve or if some phases of the development are delayed.

7. Summary

- 7.1 This large and prominent site has been vacant and derelict for over 10 years; various redevelopment proposals have come forward but have not proved to be viable or deliverable. It is part of the wider Drivers Wharf regeneration area where employment use is promoted by policy. It was originally hoped that all sites in the Drivers Wharf area could provide a significant amount of employment development

if redevelopment took place on a phased basis. However, this has not proved to be possible and it would not be reasonable to hold out for such a scheme given the long period of vacancy. Policy MSA 16 also requires infrastructure improvements as part of any phased redevelopment. This proposal includes strategic flood defence improvements, new public open space and an enhanced riverside walkway together with highways improvements. The Transport Assessment in support of the application demonstrates to the satisfaction of the Council's Highways Team that larger scale road improvements are not justified by this development and that approval of this scheme would not prejudice future road improvements which may be required to support large scale developments in the area. The proposed development is quite a high density scheme but, subject to the later approval of appearance as a reserved matter, it is considered that this development will enhance the character and appearance of the area.

8. Conclusion

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions once the Panel have endorsed the Habitats Regulation Assessment in Appendix 2 to this report.

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

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

RP2 for 23/06/2015 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure, and the landscaping (both hard, soft and including enclosure details) of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the appearance and architectural design specifying the external materials to be used.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iv) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

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

02. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hardsurfacing 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

Reason:

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

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

04. APPROVAL CONDITION - Archaeological evaluation [Pre-Commencement Condition]
No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

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

05. APPROVAL CONDITION - Archaeological 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.

06. 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.

07. APPROVAL CONDITION - Archaeological work programme (further works) [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.

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

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

1. A desk top study including;
 - historical and current sources of land contamination

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

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

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

Reason:

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

09. APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

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

Reason:

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

10. 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.

11. 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

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

16. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

17. APPROVAL CONDITION - Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

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

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

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

Reason:

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

19. APPROVAL CONDITION - Car parking, cycle parking, refuse storage [Pre-Occupation Condition]

The buildings hereby approved shall not be first occupied until the car parking, cycle parking and refuse storage areas, to which that building relates have been provided and made

available for use. The refuse shall include accommodation and the provision of separate bins for the separation of waste to enable recycling and a level access to the storage areas. The approved car parking, cycle parking and refuse and recycling storage shall thereafter be retained whilst the building are used for residential / commercial purposes. The residential parking shall be allocated on a 1 space per dwelling basis unless otherwise agreed in writing with the Local Planning Authority

Reason:

To ensure appropriate provision of car parking, cycle parking and refuse provision and in the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

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

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

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Reason:

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

22. APPROVAL CONDITION - Electric Car Charging Points (Pre-Occupation Condition)

No phase of the development shall be occupied until electric car charging points have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of sustainability and air quality given the proximity to an Air Quality Management Area.

23. APPROVAL CONDITION - Window glazing details (Pre-Occupation Condition)

No building shall be first occupied until details of windows to be acoustically treated as specified in the Acoustic Report submitted with the application have been provided, details of which have been first submitted to and approved in writing by the Local Planning

Authority.

Reason:

To protect the amenities of future occupiers from traffic noise.

24. APPROVAL CONDITION - Sustainable Urban Drainage Systems (Pre-Occupation Condition)

Sustainable drainage systems 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.

25. APPROVAL CONDITION - Drainage details (Pre-Commencement Condition)

The development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with Southern Water.

Reason:

To ensure the provision of adequate drainage arrangements and to minimise flood risk.

26. 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 - (as amended 2015)**

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

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 and Appearance
SDP10	Safety and Security
SDP11	Accessibility and Movement
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP16	Noise
SDP22	Contaminated Land
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
MSA16	Drivers Wharf

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Habitats Regulations Assessment (HRA)

Application reference:	14/01747/OUT
Application address:	Former Meridian TV Studios Radcliffe Road Southampton
Application description:	Redevelopment of the site to provide 351 dwellings (145 x one bedroom, 174 x two bedroom, 32 x three bedroom) within buildings ranging in height from 2-storeys to 13-storeys with retail use (Class A1 - 390 sq.m. floorspace), offices (Class B1 - 108 sq.m. floorspace); 363 car parking spaces; improved access from Radcliffe Road and Summers Street; landscaping and an extension of the local park to the waterfront; a new waterfront walkway associated with flood defence measures (Outline application seeking approval for access, layout, scale and landscaping)
HRA completion date:	09/06/2015

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

European sites potentially impacted by plan or project: European Site descriptions are available in Appendix II of the Portsmouth Plan's Habitats Regulations Assessment, which is on the city council's website at portsmouth.gov.uk/living/7923.html .	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Special Protection Area (SPA) ▪ Solent and Southampton Water Ramsar Site ▪ River Itchen Special Area of Conservation (SAC). ▪ Solent Maritime SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No - the development consists of an increase in residential dwellings with employment floorspace which are neither connected to, nor necessary for, the management of any European site.
Are there any other projects or plans that together with the project or	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-in-c-CSPR-%20Final-13-03-2015.pdf)

<p>plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floorspace across the South Hampshire area between 2011 and 2026.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the former Meridian Television Studios site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>
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Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the City Council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

<p>Test 1: the likelihood of a significant effect</p> <p>This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.</p> <p>The proposed development is located 100m to the south of a unit of the Solent and Southampton Water SPA and 2.3km south of the River Itchen SAC. The New Forest SAC, SPA and Ramsar site are within a reasonable travel distance of the site.</p> <p>A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from construction activity, or permanent arising from the on-going impact of the development when built.</p> <p>Section 3.2.1 of the Report to Inform a Habitat Regulations Assessment (October 2014) identified the following effects within the immediate vicinity of the proposed development:</p> <ul style="list-style-type: none"> ▪ Habitat loss or degradation (of the designated site itself or associated habitats such as foraging or roosting areas used by interest species) ▪ Flood risk/coastal squeeze; ▪ Effects on connectivity/collision risk; ▪ Pollutants (mobilisation of contaminants, siltation) ; ▪ Disturbance (light, noise, vibration, visual disturbance). <p>Plus the following wider scale impacts:</p>

- Atmospheric pollution (traffic);
- Recreational disturbance;
- Water demand;
- Effluent discharge.

A number of avoidance and mitigation measures are set out in section 9 of the Report to Inform a Habitat Regulations Assessment (October 2014), Aspect Ecology which are summarised as follows:

Construction phase

- Construction methodology to ensure no pollution of the River Itchen from mobilisation of contaminants, spillage of fuel, oil or other chemicals or release of silt laden water;
- Use of quiet construction methods e.g. replacement piling rather than displacement piling, where feasible;
- Where practical 'Noisy' machinery will be sited away from the shoreline;
- Provision of acoustic screens or enclosures;
- Maximum noise levels at site boundaries to be 70 dBL Aeq, 1hr;
- Seasonal restrictions on works;
- Suspension of piling when temperatures are at or below freezing;
- Lighting along the riverside to be directed away from the shoreline through the use of reflectors, hoods or screening;
- Provision of a Construction Environmental Management Plan containing detailed methodologies for the avoidance measures.

Operational

- Avoidance of large areas of glass and use of design measures including non-reflective frosting of glass, interior artwork, non-reflective one way glass, balconies, vegetated facades and angled windows (40 degrees);
- Provision of a lighting scheme including systems to turn off or dim exterior lighting, careful selection and positioning of luminaries and use of louvres, shields or hoods to control light spill;
- The creation of 0.65ha of public open space including a new linear park which connects to an improved riverside walk/cycleway;
- Contribution of £60,372 (£172 x 351) to the Solent Recreation Mitigation Project;
- Provision of cycling and walking measures on site including secure cycle parking and pedestrian and cycle links through the site linking to the river bank and the National Cycle Network route NCN23;
- Production of an interactive online map providing information on destinations, including parks and open spaces, which can be reached by walking, cycling or bus;
- Provision of a welcome pack to new residents including walking and cycling maps illustrating local routes.

Conclusions regarding the likelihood of a significant effect

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

The project being assessed would lead to up to 351 additional dwellings and new retail and office floorspace in close proximity to a section of the Solent and Southampton SPA/Ramsar site and within reasonable travel distance of the New Forest SAC/SPA/Ramsar site.

The site is currently vacant and although the former use as a television studio would have generated some noise and light disturbance impacts, these are likely to have been at a lower level than those anticipated to arise from the proposed development. The proposed development is also likely to lead to new permanent impacts as a result of an increase in recreational pressure plus temporary

impacts arising from the construction activities and as such the precautionary principle applies.

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

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

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

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

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

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive." Whilst the conservation objective for the Special Areas of Conservation is to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

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

TEMPORARY, CONSTRUCTION BASED EFFECTS

Habitat loss or degradation

Solent and Southampton Water SPA/Ramsar site

The application site is separated from the Solent and Southampton Water SPA/Ramsar by the main channel of the River Itchen and a narrow strip of bankside habitat lying between the site and the river. This physical separation combined with the avoidance of encroachment into the river channel mean that the proposals will not result in the direct loss of habitat from within the SPA/Ramsar site. In addition, a wintering bird survey, undertaken in support of the planning application, found no evidence of foraging or roosting activity by interest species on the application site and established that the nearest high tide roost is located to the south of Northam Bridge. As a result, it can be concluded that direct loss of supporting habitat is also unlikely.

River Itchen SAC

As with the Solent and Southampton Water SPA the River Itchen SAC is physically separated from the application site so no direct loss or degradation of SAC habitats is likely. However, the tidal reaches of the Itchen are known to be used by migrating Atlantic Salmon and otter which are features of interest for which the SAC is designated. There is therefore some potential for

disturbance or degradation of supporting habitats which is considered in following sections.

Other sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all well separated from the site so no direct loss of habitat would occur.

As there will be no direct habitat loss, there will be no implications for the identified European sites from this impact pathway. Indirect habitat loss is addressed through various sections below.

Disturbance

This includes physical disturbance, visual disturbance, noise and vibration arising from construction activities. This has the potential to lead to a significant effect upon the Solent and Southampton Water SPA and Ramsar site and species for which the River Itchen SAC is designated. The other European sites are too distant to be impacted by construction activity.

Solent and Southampton Water SPA/Ramsar site

The application site is located within an existing industrial area adjacent to a major road. Whilst there is likely to be a high level of background noise this will be more constant than the sharp sudden noise of piling or pneumatic drills for example. Such noise has the potential to cause birds on the inter-tidal area to cease feeding or even fly away. This in turn leads to a reduction in the birds' energy intake and/or expenditure of energy which can affect their survival.

The wintering bird survey, undertaken in support of the planning application, has indicated that only low numbers of birds are likely to be affected by disturbance however, mitigation measures are still required.

The Construction Environmental Management Plan accompanying the planning application proposes a number of measures which are likely to reduce noise impacts to a negligible level. These include utilising quiet construction techniques, for example vibro or continuous flight auger piling, acoustic screening, timing of work to avoid ecologically sensitive periods, suspension of piling where temperatures are at or below freezing, a maximum noise level at site boundaries of 70 dBL Aeq, 1hr and, where practical the positioning of 'noisy' machinery away from the shoreline.

The distance between the application site and the inter-tidal area means that visual disturbance is unlikely to be a major factor however, the proposal to install a 2.4m hoarding around the site will reduce this risk to a negligible level. The hoarding will also help to reduce the impact of light disturbance. The CEMP proposes to limit the use of artificial lighting close to the river edge and, in locations where it is necessary, to employ hoods to direct the light away from the water.

River Itchen SAC

Atlantic salmon, one of the species for which the SAC is designated, pass through the tidal reaches of the Itchen on their way to and from their breeding grounds upstream. Vibration generated by activities such as piling can result in adverse impacts ranging in severity from delaying the migration of fish to physical injury of fish.

The majority of the measures proposed to minimise the noise impacts on over-wintering birds will also benefit Atlantic salmon however, care is required in respect of the use of timing with the optimum period for salmon occurring during a sensitive period for over-wintering birds.

Should percussive piling be required, timings favouring salmon should be adopted due to the more

serious nature of the impacts however, where this coincides with temperatures at or below freezing piling should be suspended.

Other designated sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all sufficiently distant from the site to be affected by construction phase disturbance.

It is considered that the avoidance and mitigation measures are appropriate and will be effective. Subject to a CEMP being agreed, this will ensure that there will be no implications for the identified European sites from this impact pathway.

In order to be effective, the agreement of the CEMP will need to be required as a pre-commencement condition, attached to any granting of outline consent.

Pollutants (mobilisation of contaminants, siltation)

Solent and Southampton Water SPA/Ramsar site and River Itchen SAC

The proposed development could potentially result in pollution of the river channel as a result of the mobilisation of historic contaminants, pollution events during construction work or the release of contaminated surface water runoff. Construction activities could also result in an increase in silt levels which could affect water quality.

The CEMP contains a number of measures including dust suppression, designated areas for refuelling, no discharges into surface water drainage or the river and the use of spill kits which will reduce the potential for release of pollutants to a negligible level.

Other designated sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all sufficiently distant from the site to be affected by construction phase disturbance.

It is considered that the avoidance and mitigation measures are appropriate and will be effective. Subject to a CEMP being agreed and the necessary pollution control measures being secured through condition, there will be no implications for the identified European sites from this impact pathway.

Permanent, operational phase impacts

Habitat Creation and habitat degradation

The proposed development will not result in any direct habitat loss and as such there will be no implications for any of the identified European sites from this impact pathway. Indirect habitat loss is addressed through various sections below.

Pollution

Solent and Southampton Water SPA/Ramsar site

The bird species for which the SPA is designated are not directly sensitive to air pollution, although increased atmospheric pollution could adversely affect supporting habitats, including those noted on the Ramsar citation. In this context, atmospheric pollution (particularly nitrogen deposition) is highlighted as a potential issue under the HRAs for SCC's Core Strategy and City Centre Action Plan (CCAP), and these plans set out a number of strategic measures to reduce traffic levels and

associated atmospheric pollution.

A traffic assessment has been undertaken of the proposed development, which indicates increases in traffic along roads immediately adjacent to the site of between 181 and 293 AADT (annual average daily traffic). The highest increase (293 AADT) is anticipated at Northam Bridge, although contribution from the proposed development comprises only 0.83% of total predicted traffic levels (based on a 2019 assessment year). Beyond this, traffic will disperse onto the surrounding highway network. As such, any increases in atmospheric pollution resulting from the proposed development are expected to be highly localised, with traffic increases along roads outside of the immediate vicinity of the site likely to be of negligible significance in the context of existing traffic levels.

On this basis, particular consideration is given to the areas of SPA within near proximity of roads adjacent to the site, namely the section either side of Northam Bridge. A preliminary review of air quality information on the APIS website indicates that nitrogen deposition on coastal saltmarsh habitat at this location (15.68 kg N/ha/year) is currently below the critical load for this habitat (20-30 kg N/ha/year), and accordingly, small increases in traffic can likely be accommodated without adverse effects on habitats associated with the SPA/Ramsar.

Other sites

The increase in traffic will be local to the development site and measures contained within the CCAP and Core Strategy will be sufficient to deal with atmospheric pollution arising from traffic using the wider road network.

As the assessment indicates that atmospheric pollution will remain within acceptable limits there will be no implications for the identified European sites from this impact pathway.

Effects on connectivity/collision risk

Solent and Southampton Water SPA/Ramsar site

Research has indicated that tall buildings pose a collision risk to birds. In addition to height, lighting, which can draw birds towards buildings especially in bad weather, and reflective surfaces pose particular risks.

The Southampton Wetland Bird Flight Path Study 2009, which was undertaken to support the development of the Core Strategy, established that the majority of wetland bird flight activity around Southampton occurred over water. The majority of this activity occurred over the lower reaches of the Rivers Test and Itchen, to the south of the development site. In addition, none of the species for which the SPA is designated, as opposed to forming part of the assemblage, were observed flying close to the site. The tall buildings on the site therefore pose a minimal risk to birds using the adjacent inter-tidal areas. Despite this, the development has been design to reduce risk further by incorporating varied building heights and avoiding large areas of glass.

River itchen SAC

The application site lies downstream of the River Itchen SAC and as such activities such as lighting could act as a barrier for Atlantic salmon and otter which move along the river channel. A number of mitigation measures aimed at removing adverse impacts from lighting, noise and vibration have been incorporated into the design of the development and as a consequence there is a negligible risk of adverse impacts on connectivity.

Other sites

The other European sites are too distant from the application site to experience adverse impacts on connectivity for habitats or species.

The proposed mitigation measures are considered to be effective. As a result, it is concluded that there is no likelihood of any implications to the European sites from this impact pathway.

Disturbance (visual disturbance, noise and lighting)

Solent and Southampton Water SPA/Ramsar site

The development includes a waterside path and open space, streets and new homes which will lead to higher levels of human activity, noise and lighting. However, the designated habitats are located 100m to the north east of the application site adjacent to an existing industrial area and riverside walk whilst the application site itself is fronted by a well-used public footpath. It is therefore reasonable to assume that birds using the inter-tidal area are habituated to relatively high levels of noise, lighting and human activity.

To ensure that disturbance remains within acceptable levels the retail and office areas have been located away from the shoreline and a detailed lighting scheme including systems to turn off or dim exterior lighting, careful selection and positioning of luminaries and use of louvres, shields or hoods to control light spill will be provided.

River Itchen SAC

The application site lies downstream of River Itchen SAC and as such activities such as lighting could act as a barrier for Atlantic salmon and otter which move along the river channel. A number of mitigation measures aimed at removing adverse impacts from lighting, noise and vibration have been incorporated into the design of the development and as a consequence there is a negligible risk of disturbance.

Other sites

The other European sites are too distant from the application site to experience adverse impacts on habitats or species from visual, noise and light disturbance.

The proposed mitigation measures are considered to be effective. As a result, it is concluded that there is no likelihood of any implications to the European sites from this impact pathway.

Recreational disturbance

The proposed development will result in an increase in population which is likely to lead to an increase in recreational activity at SPA locations, both in the immediate vicinity of the development but also further afield as well. Increases in recreational activity at SPA locations have the potential to result in mortality in the SPA bird populations due to increased disturbance. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (SDMP)

(http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). A key outcome of the research was that residential development within 5.6km of a Solent SPA could lead to a likely significant effect as a consequence of disturbance from recreation.

Solent and Southampton Water SPA/Ramsar site

The development includes the creation of an area of public open space, although it is not designed to

avoid a recreational impact on the SPAs. The closest sections of the SPA are not accessible for recreation being adjacent to an industrial estate and boatyards. The nearest section with public access is Chessel Bay, approximately 900m to the east, however, this access is limited with no through footpath and mud that is generally too soft to allow access below the mean high water mark. In their response dated 26th November 2014 Natural England did not raise any concerns regarding recreational impacts at Chessel Bay. There remains however, an effect when considered in combination with other development in the area.

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £172 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicants intend to make a payment of £60,372 (351x172) to the Solent Recreation Mitigation Project (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

Providing the proposed mitigation can be secured there are no implications from increased recreation on the SPA designations, even accounting for other plans and projects.

River Itchen SAC

The habitats and species listed under the SAC citation are not considered to be sensitive to recreational disturbance, and as such, the proposed development is unlikely to result in any significant effect on the SAC as a result of recreational disturbance, either alone or in combination.

Solent Maritime SAC

The habitats and species listed under the SAC citation are generally associated with coastal or intertidal areas that are unlikely to be directly accessed by visitors to these areas. As such, potential for adverse effects as a result of recreational activity arising from the proposed development is considered to be negligible. In addition, it is proposed that a contribution is made to strategic avoidance/mitigation measures in respect of Solent and Southampton Water SPA/Ramsar site, which would offset potential for effects on Solent Maritime SAC also.

New Forest SAC/SPA/Ramsar site

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

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

The application site is located 6.2km from the nearest part of the New Forest SAC, SPA and Ramsar site in terms of linear distance and as such, residents of the proposed development are likely to be non-local day visitors. The Footprint Ecology research indicates that visitors within this group make

an average of 45 visits per year to the New Forest. It is likely therefore that the recreational pressure arising from the development on its own is unlikely to be significant. However, bearing in mind the high level of new housing planned across South Hampshire there is potential for it to be significant in-combination with other residential developments.

Whilst it is not possible or desirable to eliminate day visits to the New Forest there is scope to encourage new residents to make use of the existing public open space within Southampton which is both varied and within relatively close proximity to the development. The applicants have proposed to reduce reliance on car usage, and hence the likelihood to travelling to the New Forest, by increasing connectivity to local public open space through physical improvements to walking and cycling infrastructure and provision of information on routes and points of interest.

Following implementation of the measures set out above, it is concluded that any potential effects on European designations as a result of the proposed development will be avoided.

Water demand and effluent discharge

All European sites

Water demand and effluent discharge are largely addressed at a strategic level, and based on the policies set out in SCC's Core Strategy, the accompanying HRA indicates that no likely significant effect as a result of these issues has been identified.

Policy CS20 (Tackling and Adapting to Climate Change) in particular sets out standards in regard to water efficiency. As such, the proposed development will ensure that water efficiency is maximised through installation of high performance internal fittings, as well as rainwater harvesting and greywater recycling systems where viable. Further detail is provided in the Sustainability Statement which accompanies the planning application.

Following implementation of these measures, the proposed development is unlikely to result in any significant effect on the European sites as a result of these issues.

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

The findings of the initial assessment concluded that there a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome**. A detailed mitigation package is set out in section 9 of Meridian Gardens: Report to Inform a Habitats Regulations Assessment, October 2014, Aspect Ecology. These measures, which are summarised below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
 - Piling methodologies
 - Timing of works

- Noise levels
- Control use of fuel, oil and other chemicals
- Control of surface water runoff
- Dust suppression
- A financial contribution to the SRMP
- Improvements to walking and cycling infrastructure in the vicinity of the development.
- Provision of information on local parks and routes to them
- A detailed lighting plan
- Building design aimed at reducing collision risk

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPAs to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SACs to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

European Site Qualifying Features

Solent and Southampton Water SPA

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

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

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

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

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

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*

- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

River Itchen SAC

The River Itchen SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitat:

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

River Itchen SAC also qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- European Bullhead *Cottus gobio* (primary reason for selection)
- White-clawed Crayfish *Austropotamobius pallipes*
- European Brook Lamprey *Lampetra planeri*
- European River Lamprey *Lampetra fluviatilis*
- Atlantic Salmon *Salmo salar*
- European Otter *Lutra lutra*

Solent Maritime SAC

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glaucopuccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand

- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

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

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- Stag Beetle *Lucanus cervus* (primary reason for selection)
- Great Crested Newt *Triturus cristatus*

The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

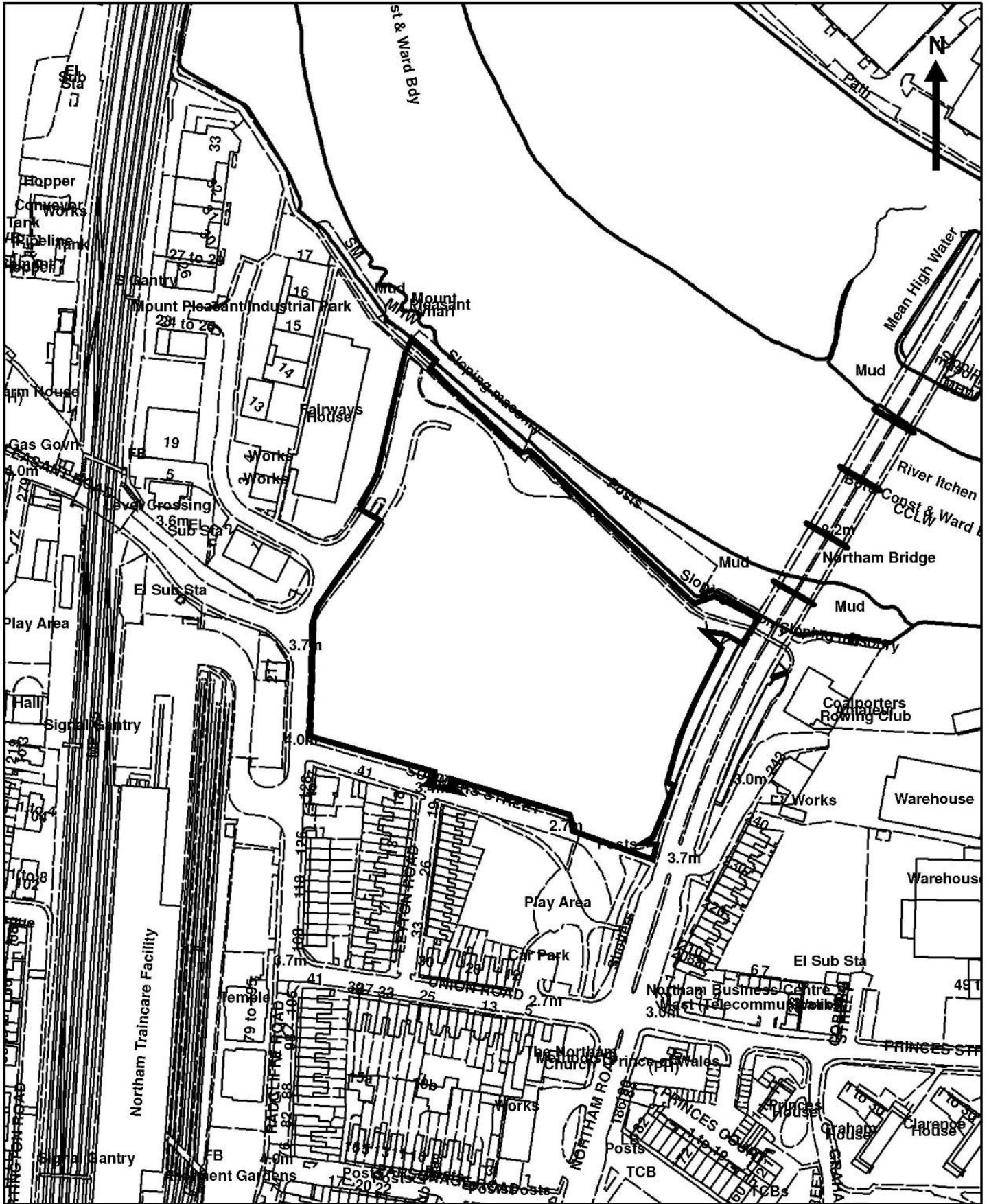
New Forest Ramsar Site

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

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on

the site, as are at least 65 British Red Data Book species of invertebrate.

- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.



Scale: 1:2,500

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (East) 23 June 2015
 Planning Application Report of the Planning and Development Manager**

Application address: Harcourt Mansions, 74 Whitworth Crescent			
Proposed development: Erection of a part three-storey, part two-storey building to create two x three-bed houses, one x two-bed house and six x two-bed flats with associated parking and cycle/refuse storage			
Application number	15/00610/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	18/06/2015	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Fuller Cllr White Cllr Inglis
Referred by:	Cllr Inglis	Reason:	Parking pressure.

Applicant: Mr M Jenkins	Agent: Southern Planning Practice Ltd
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as the scale and massing of the development, the impact on the character of the area and amenity of neighbours, neighbouring commercial use, the level of parking provision and the impact on protected trees have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SP12, H1, H2 and H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development

Plan Document (as amended 2015) as supported by the current supplementary planning guidance

Appendix attached	
1	Development Plan Policies
2	Appendix 2 comprises appendices 2-5 as detailed below:
2	06/01643/FUL - Decision Notice and Plans - 12 dwellings - Refused
3	07/00208/FUL - Appeal Decision and Plans - 11 dwellings - Dismissed
4	10/00965/FUL - Approved Plans and Panel Minutes - 7 dwellings - Approved
5	On-street Car Parking Stress Survey

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. 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.
 - iii. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
2. In the event that the legal agreement is not completed within two months of panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1 Background

- 1.1 There is a long and complicated planning history to this site as set out below. The application has been submitted following the approval of a similar redevelopment proposal submitted in 2010 for 7 dwellings. The approval followed the refusal, and dismissal on appeal, of a scheme for 11 flats in November 2007. Since that time, the original building on the site has been badly fire damaged and was demolished approximately seven years ago. The site is currently vacant and surrounded by security hoardings and has been for a number of years.

2 The site and its context

- 2.1 This 0.09 hectare site was previously occupied by a large detached three storey building comprising four flats known as Harcourt Mansions. However, this property

was extensively damaged by fire and subsequently demolished. The site is prominently located at the junction of Whitworth Crescent and Harcourt Road on land which rises up from the Whitworth Crescent frontage along which remain protected trees.

- 2.2 The elevated nature of the site allows views across the relatively open and undeveloped western side of the road and over the River Itchen. The Whitworth Crescent frontage is mainly characterised by circa late 19th and early 20th Century large detached and semi-detached houses, whilst the houses in Harcourt Road are more recent and smaller in scale. There are examples of modern three and four storey flatted developments in the immediate area.
- 2.3 The site is not located within a defined 'high' accessibility zone but is within easy walking distance (approximately 200m) of the Local Centre at Bitterne Triangle, which in addition to providing a full range of services has public transport links to Portswood District Centre, the City Centre and the Hospital and Southampton University. Bitterne railway station, with links to the City Centre and the wider region, is approximately 300m away. The large area of open space at Riverside Park is within easy walking distance of the site. The existing trees on the site's boundaries are protected by the Southampton (Whitworth Crescent) Tree Preservation Order 1994.

3 Proposal

- 3.1 The application again proposes the erection of a part two/part three storey building. The level of development is increased from 7 (as approved) to 9 dwellings, comprising 2 no.3 bed houses, 1 no.2 bed house and 6 no.2 bed flats with associated parking and cycle/refuse storage.
- 3.2 The Harcourt Road frontage consists of a terrace of 3 two storey dwellings each with a parking space and refuse storage to the frontage and private rear gardens which accommodate cycle storage facilities.
- 3.3 The Whitworth Crescent frontage comprises a three storey block containing 6 two bed flats, which address the junction of Whitworth Crescent and Harcourt Road. The flats have shared garden space to the front and side and have been allocated two off-road parking spaces along this frontage accessed from an existing dropped kerb. Pedestrian access to the flats is gained from Whitworth Crescent.
- 3.4 The differences between the approved scheme for 7 and the proposed scheme for 9 can be summarised as follows. The additional units are largely accommodated along the Whitworth Crescent frontage, which is now wholly flatted:

	10/00965/FUL	15/00610/FUL
Dwellings	7	9
Residential Mix	4 houses & 3 flats 6x2 bed + 1x3 bed	3 houses & 6 flats 7x2 bed + 2x3 bed
Total Bedrooms	15	20
Parking Spaces	5	5
Density	78dph	100dph

- 3.5 The protected trees on the site are to be retained.

4 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 4.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

5 Relevant Planning History

- 5.1 In 2006 planning application 06/01643/FUL was refused. The application sought the redevelopment of site for 12 flats. The decision notice and plans are included as **Appendix 2**. The application was refused for 4 reasons as set out in the appendix.
- 5.2 In 2007 planning application 07/00208/FUL was refused by the Planning and Rights of Way Panel. The application sought the redevelopment of site for 11 flats. The application was then appealed and was subsequently dismissed. The appeal decision notice (dated 21 November 2007) and plans are attached as **Appendix 3**. The Inspector did not consider that the principle of redevelopment or a contemporary design would be objectionable. However, due to the footprint and height of the proposed building being two-to-four storeys, the bulk would be substantially greater than the existing flats. The Inspector was also concerned that the elevations facing Whitworth Crescent and Harcourt Road would stand closer to their respective roads than neighbouring properties, notwithstanding the position of properties fronting Whitworth Crescent to the south of the application site. The building was considered to be unduly dominant in the street scene and would erode the current spatial appearance of the mostly traditional residential area. A building of such mass and prominence was considered to not adequately respect its context and thus in conclusion was judged to be harmful to the character and appearance of the area.
- 5.3 In November 2010 the Planning and Rights of Way Panel approved a revised scheme (LPA ref: 10/00965/FUL). A total of 7 dwellings were approved. The Panel Minutes and approved plans are attached to this report at **Appendix 4**. The proposal sought to overcome the reasons for refusal previously raised by the Inspector by introducing a more traditional design and also included a mix of houses and flats rather than a single flatted block. Consequently, the components of the building were divided to respond to the character and context of the two disparate street frontages which the site addresses. In particular the fourth storey was deleted and the houses on the Harcourt Road elevation became two storey in scale. The houses proposed were also set further back from the back edge of pavement to reduce the prominence of the building. Balconies and French windows

were also deleted from the front elevations.

- 5.4 The principle of redevelopment and a mixed scheme of flats and houses has, therefore, been supported by the Council previously. The resulting development that has been approved has a greater mass and bulk than the building that was previously on the site. The approved massing was broken up and its height/scale and visual impact reduced when compared to the previously refused scheme. The 2010 scheme is, therefore, a material consideration in the determination of this current planning application.

6 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice 05.05.2015. At the time of writing the report **13 representations** have been received from surrounding residents, with a request by Cllr Inglis that the application be determined by Planning Panel as 9 flats with only 3 parking spaces is likely to result in on-street parking pressure.

Note: Since the Cllr referral was made the applicants have added 2 additional parking spaces to the Whitworth Crescent frontage.

The following is a summary of the other relevant points raised:

- 6.2 **Increased residential density/overdevelopment of the site. Overcrowding.**
RESPONSE:

The proposal seeks to make an efficient use of the site to provide housing. The accessibility of the location allows for a density of between 50 and 100 dwellings per hectare. At 100 dwellings per hectare the density proposed meets the target set out in policy CS5. Whilst not defined as having 'high' accessibility by policy (where densities in excess of 100dph are acceptable in principle), the site is clearly within a sustainable location and has good access to a range of local services and transport links. The design and layout of the proposed development is judged to have carefully balanced relevant policies and design standards at the same time as considering local residential amenity and the character of the area. Officers consider that an acceptable balance has been achieved.

- 6.3 **Noise generation from residents.**

RESPONSE:

Planning decisions need to be made with reasonable behaviour in mind. There is not expected to be an unreasonable impact on neighbouring residential amenity as a consequence of the proposed development.

- 6.4 **Visual impact.** Negative change in character.

RESPONSE:

Having taken into account the recent planning history for the site and, in particular, the appeal decision it is judged that the design will be acceptable given its context and local character.

- 6.5 **Parking pressure.** The proposal will lead to increased parking pressure near to the site and in the surrounding streets.

RESPONSE:

The Council had maximum parking standards in 2006 when appeal decision was issued. The Council also have maximum parking standards at present, which means that there is a limit to the total number of parking spaces that a development proposal can provide. Maximum parking standards mean that when considering residential development there is no minimum requirement for parking spaces to be required and, in some instances a scheme with no parking will, in principle, be acceptable. This matter is discussed in more detail in the Planning Considerations below. The Council have also received a car parking survey with the application submission (attached as **Appendix 5**). The results of which are discussed below and lead officers to agree that 5 parking spaces for the 9 flats proposed is an acceptable ratio.

6.6 Road safety - Including access on and off the site and parking of vehicles on corners.

RESPONSE:

Legally cars should not be parked within 10 metres of a road junction, however officers acknowledge that this law is not always adhered to by car owners. This is, however, enforceable outside the planning system and does not form part of this application's current proposals. The Highway Development Management Team have not opposed the scheme on highways safety grounds. Amended plans have been received to prove that the car parking spaces on the site will have adequate sightlines to enable car drivers to access and leave the highway safely. The Council must plan for reasonable behaviour which includes the location of parked vehicles and vehicle speeds.

6.7 Loss of trees, vegetation and wildlife.

RESPONSE:

The development does not propose the removal of any trees on site. Planning conditions can be used to prevent harm to wildlife and the protection of these trees during construction.

6.8 Overlooking & overshadowing

RESPONSE:

The distance between the rear of the houses proposed and the side elevation of number 76 Whitworth Crescent measures 16m (to the main flank wall of number 76) and 18m (to the flank wall of the rear addition of number 76). This distance exceeds the rear to side minimum distance as set out in the approved Residential Design Guide SPD. It is proposed that the windows to the flats facing north, and thus towards the flank elevation of number 76 which are within 10m of the neighbouring property, can be obscurely glazed to prevent harm to neighbouring amenity. There are 2 second bedrooms affected (see flats 7 and 9).

Given these separation distances and the orientation of the development with its neighbours there will be no harmful effect caused by additional overshadowing. Overshadowing has not been cited as a reason for refusal previously, even for a larger mass of development.

6.9 Impact of construction noise on the neighbouring Buddhist Centre which operates day meditation courses on Saturdays.

RESPONSE:

The Council have received an email from the applicant confirming that they are happy to accept a planning condition preventing construction from occurring on Saturdays and Sundays thus preventing significant harm to the neighbouring

business.

Consultation Responses

6.10 **SCC Highways** - The amended plans provide sufficient pedestrian sightlines to address previous concerns. No objection subject to parking levels or highway related matters subject to conditions.

6.11 **SCC Sustainability Team** – No objection, apply recommended conditions.

6.12 **SCC Heritage and Conservation** - No objection, no conditions requested.

6.13 **SCC Environmental Health (Pollution & Safety)** - I have no objection to this application, but would ask for conditions to control hours of construction and no bonfires.

Note: the latter is unnecessary given that the site is cleared.

6.14 **SCC Ecology** – No objection. Apply recommended conditions.

6.15 **Southern Water** – Apply recommended conditions and informative.

6.16 **SCC Contaminated Land** – This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Reclaimed Land - 30m West
These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

7 Planning Consideration Key Issues

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

- i. Principle of development;
- ii. Design and impact on character of the area;
- iii. Impact on residential amenity;
- iv. Quality of the residential environment proposed;
- v. Parking and highways impact; and
- vi. Off-site mitigation.

Principle of Development

7.2 The scheme would make efficient use of previously developed land to provide housing, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates 2 no.3 bedroom family homes and one two bedroom house along with 6 no.2 bedroom flats and thus will help to

provide a mix of housing types within the local community as required by policy CS16 (albeit for schemes of 10 or more). The provision of family housing is welcomed. The proposed residential density of 100 dwellings per hectare meets the upper limit of the range set out in policy CS5. The mix and layout of flats and houses on the site, where houses front Harcourt Road and flats front Whitworth Crescent respond to the context of the neighbourhood and the two streets that the site fronts. The principle of the redevelopment of the site to provide residential accommodation is again considered to be acceptable (and has previously been supported).

Design and impact on character of the area

- 7.3 The key consideration in this respect is whether the overall design, scale and layout of the proposal is in keeping with the character of the area.
- 7.4 The proposed layout very slightly increases the footprint of the building when compared to the previously approved scheme. This has occurred because the element of the building fronting Whitworth Crescent has been enlarged to allow the building to accommodate six flats over three floors rather than a three bed house and 3 no.2 bed flats over three floors. The result, in terms of design has been to simplify the appearance of the Whitworth Crescent elevation. Regarding the Harcourt Road elevation the design is not dissimilar to the elevation approved under application 10/00965/FUL (**Appendix 4**).
- 7.5 The main difference between the proposed application and the approved application (10/00965/FUL) included as **Appendix 4** in terms of bulk and mass is the true three storey design across the whole of the Whitworth Crescent elevation rather than having rooms in the roof space. The design has also been simplified by ensuring that there would be just two main planes to the building. This approach is an honest representation of the building and to its credit does not include contrived design features (such as large areas of flat roof) that seek to, yet fail to, mask the height and mass of the building.
- 7.6 The front building line as proposed (Whitworth Crescent elevation) comes slightly forward of number 76 than the approved development (10/00956/FUL). The Inspector raised the projection forward of the neighbours building line as a concern when considering the 2007 scheme and a reason for refusal included this point (paragraph 6 of the PINS decision). The proposed footprint is however not judged to be significantly greater than the approved scheme and certainly not enough to lead to a recommendation to refuse the planning application.
- 7.7 As compared to the previously refused schemes (06/01643/FUL, **Appendix 2** and 07/00280/FUL **Appendix 3**) the proposal does not bring the footprint of the building as close to the Harcourt Road elevation as it previously did, now being almost four metres off the boundary as opposed to two metres from the boundary. The height of the building is three rather than four storeys. The design has been amended to respect the largely Victorian and Edwardian character. Officers are of the opinion that the appeal Inspector's concerns have been addressed by this submission, which has reduced the scale of the size of the building, moved its mass away from the boundary of the site and incorporated a design that is more sympathetic with the character of the surroundings. Having also taken account of the approved scheme (and compared the footprint and design of the houses fronting Harcourt road with the proposed scheme) again it is considered that if an Inspector were to

assess the current scheme they are unlikely to oppose the development on design/character grounds.

- 7.8 Therefore when considering the scheme in the context of the planning history it can be concluded that the development will respond positively to its context and will make a positive impact as part of the street and wider area as required by LDF Policy CS13.

Impact on residential amenity

- 7.9 All dwellings are dual aspect, which creates an attractive living environment for prospective residents. However, an assessment as to whether the development respects existing residential amenity is also required. The windows serving habitable rooms mostly face Harcourt Road and Whitworth Crescent. The habitable rooms to the rear of the houses achieve the recommended separation distance to 76 Whitworth Crescent. The windows serving bedrooms in the flank elevation of the element of the building fronting Whitworth Crescent, serving a second bedroom on the first and second floor will need to be obscurely glazed to a height of 1.7m (or fitted with high level openings) to protect the privacy enjoyed by occupants within bedrooms with south facing windows of number 76 Whitworth Crescent. This neighbour has objected to the application, but mainly due to the impact on the Buddhist Centre that operates from this property.
- 7.10 The position of the building on site, its height and use of a pitched roof, is not considered to cause significant over shadowing to neighbouring properties. The building is also not considered to have an unduly unneighbourly impact in terms of being overbearing or dominant either when viewed from habitable rooms or private amenity space serving neighbouring properties.
- 7.11 It is also noteworthy that the Appeal Inspector, when assessing application 07/00208/FUL, considered that the impact of the proposed building would not be significantly harmful to the amenity of neighbouring occupants. Officers maintain the same view as the Inspector with respect to the current proposal. Please refer to paragraphs 11 and 12 of the appeal decision notice for more information (**Appendix 3**).

Quality of the residential environment proposed:

- 7.12 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 terrace of houses fronting Harcourt Road benefit from rear gardens of 9-10m depth. These amenity spaces have the qualities of privacy, accessibility and functionality. Due to the layout of the site there would be limited direct sunlight, particularly during the winter months but this is not considered to diminish their usability to an unacceptable degree. In addition two of the gardens fall slightly short of the 50 square metres of garden area that is recommended by the Residential Design Guide (RDG). The difference however is only five square metres in the case of the middle of the three houses and half a square metre in the case of plot 1. As the gardens sizes are so close to the recommendation of the RDG and are genuinely useable, and because the RDG makes recommendations rather than strict requirements for garden space, it is not judged to be reasonable to oppose

the development on this basis.

- 7.13 The flatted element of the building fronting Whitworth Crescent would have amenity space to the site frontage, the amenity space would provide in excess of the minimum 20 square metres as recommended by the RDG. A total of 229 squares metres would be provided (120sq.m required). Given the raised nature of the site and the existing and proposed landscaping / boundary treatment this space would be effectively private and is, therefore, likely to be used particularly given the relatively open aspect over the river. The site is also within easy walking distance of Riverside Park to the north which offers public open space for amenity purposes. Therefore the amenity space provision for the development is acceptable.

Parking and highways impact.

- 7.14 There are two main elements to consider here: The first is the impact of the development on highways safety and the second is the impact of the development on local on street parking pressure. The latter is a concern of a Ward Cllr.
- 7.15 Regarding highway safety, a safe access to and from the site has been achieved by ensuring that unobstructed sightlines that meet the Council's standards for all parking spaces are achieved.
- 7.16 With regards to local parking pressures the scheme proposes 5 spaces for 9 flats (55% provision). Knowing that on street parking pressure is a concern for local residents a parking survey has been requested and submitted to justify the level of on-site parking proposed (**Appendix 5**). The parking survey has been provided to demonstrate, in accordance with Table 2 condition E of the Parking Standards Supplementary Planning Document (SPD), that use of existing on street parking will not lead to demand exceeding supply of this parking.
- 7.17 The level of parking provision proposed needs to be assessed against the maximum parking standards as set out in the Parking Standards Supplementary Planning Document. The site is located outside of a high accessibility area and thus the Council's maximum parking standards would allow for up to a total of 18 parking spaces on site – this is maximum standard and thus is not a minimum requirement. Achieving this number would not be practical and would dramatically alter the scheme's layout and the provision of on-site amenity space. The existing trees and the raised nature of the site also form a constraint to achieving more parking. Therefore as only five parking spaces are proposed on site the parking survey must demonstrate that the remaining 13 can be accommodated within the survey area on the public highway.
- 7.18 The survey area covers Whitworth Crescent to the north up to where it meets Cobden Avenue (a distance of 220m), Whitworth Crescent to the south for another 220m up to where it turns shapely south east, and also includes Harcourt Road which measures 170m to the east. The survey was carried out on two separate occasions, both mid-week and outside of school and public holidays. The surveys, which were undertaken on 11 and 12 March 2015, were carried out at 01:00 and 04:00 when occupancy levels would be at their highest. Four photographs were also included to show the some of the spaces that were available. The parking availability survey was undertaken assuming a car parking spaces are 6m long, although 5m was used where there was a free space at the end of a row, dropped kerbs to driveways or huts/garages on the waterside as well as parking restrictions

were excluded from the survey.

- 7.19 The results of the survey demonstrate that the parts of Whitworth Crescent and Harcourt Road that were surveyed will be able to accommodate the proposed development and its displaced parking. The survey area included a total of 120 available on road parking spaces and on 11 March 2015 74 were occupied leaving 46 available; and on the 12 March 2015 there were 67 that were occupied and thus 53 remained available. The results of the survey demonstrate that the survey area can easily cope with the assumed maximum number of cars that the development is expected to generate.
- 7.20 The Inspector also considered local residents' concerns about high levels of on-street parking and the likely generation of some additional parking on nearby roads when considering planning application 07/00208/FUL (**Appendix 3**). It is important to note here that the development proposed 11 flats (two no.1 bedroom and nine no.2 bedroom) and 4 parking spaces were proposed on site (36%). Specifically paragraphs 13, 14 and 15 of this PINS decision are of relevance:
- 7.21 *I saw that Whitworth Crescent northwards from about Harcourt Road, Harcourt Road and the nearer end of Macnaghten Road were all well used for car parking, and I would expect more cars to be parked overnight and at weekends (the appellant's parking survey results are of little assistance as they covered only one evening and do not present a clear picture of where cars were parked) - 13*
- 7.22 *Nevertheless, there are no nearby waiting restrictions and there was ample space to park along Whitworth Crescent south of the Harcourt Road junction. Planning Policy Guidance note (PPG) 13: Transport points out that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety – 14.*
- 7.23 *Consequently, although any additional on-street parking could cause some residents to park less conveniently close to their own homes, my conclusion is that the proposed development would accord with the aims of Local Plan Policy SDP 3 and not have an unacceptable effect on on-street car parking – 15'.*
- 7.24 It is noteworthy that policy SDP3 has now been replaced by CS18 and PPG13 has been replaced by the National Planning Policy Framework (and accompanying Guidance). The document changes, in the opinion of officers, would not significantly change the outcome of the previous Inspector's decision which was ultimately not to refuse the application on the basis of the level of on-site parking provided. This decision was also taken in the context of maximum parking standards and was as a result of fewer parking spaces per dwelling.
- 7.25 The previously approved scheme, granted in 2010 (**Appendix 4**) is also relevant. The proposal included five parking spaces for a total of seven dwellings (three no.2 bed houses, one no.3 bed house and three no.2 bed flats).
- 7.26 The current proposal seeks permission for nine dwellings. Whilst the Council have been dealing with the application amended plans have been requested in response to concerns regarding parking provision received from local residents as a consequence of the consultation exercise. Now that amended plans have been received a total of five parking spaces are proposed on site (ie. And increase in 2

from submission). Each of the houses would have their own parking space and the flats would share two that would be accessed from Whitworth Crescent. Taken as a whole this is therefore a ratio of 0.55 parking spaces per dwelling. The results of the parking survey demonstrate that the demand for parking on site would not exceed supply. Officers, like the Inspector, also consider that although additional on-street parking could cause some residents to park less conveniently close to their own homes the development would accord with the aims of Core Strategy policy CS19 and the Parking Standards SPD; and will not have an unacceptable effect on on-street car parking.

- 7.27 It is also important to note that the survey takes account of the maximum likely level of car ownership and it is noteworthy that car ownership cannot be predetermined with accuracy. It is however important to remember that the site is also located in an area where car ownership is not necessary to access shops, public open space and amenities including public transport links required for day to day living.

Off-site mitigation

- 7.28 The scheme does not trigger the need for affordable housing. A S.106 legal agreement is however required to secure the off-site package of mitigation measures listed as part of the recommendation above.
- 7.29 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 (from 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. Providing the legal agreement is secured (as discussed above) this application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

8 Summary

- 8.1 The proposal involves the re-use of previously developed land within suburban Southampton and will result in both a more efficient use of land and by helping to achieve the City's housing provision target. The site is appropriate for residential use given that it is located within easy walking distance of Bitterne Triangle which provides good access to public transport and local facilities such as shops, schools, employment and community facilities. A high quality residential environment will be created for the proposed occupants and the proposed development would not result in unacceptable harm to the living conditions of the occupiers of adjoining properties. Whilst the current car parking situation is acknowledged whereby

parking is raised by local residents as one of the main concerns the positive aspects of the proposal outweigh the negative.

9 Conclusion

- 9.1 Having considered the scheme in detail and having examined the previous history to the site it is judged that the current proposal is acceptable, as such the development is recommended for approval subject to conditions and the completion of a S.106 legal agreement.

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

1.(a) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

MP3 for 23/06/15 PROW Panel

PLANNING CONDITIONS

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 - Approved Plans

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

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Reason:

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

4. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking surface treatment, surface treatment for pedestrian access and circulation areas, all other 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including hedgers and retaining walls; a detailed specification for the northern boundary between the site and 76 Whitworth Crescent; and
- v. a landscape management scheme.

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

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

The boundary specification agreed under (iv) above, shall be fully implemented before any dwellings hereby approved are first occupied and subsequently retained at the approved heights at all times thereafter.

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

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

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

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

Reason:

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

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

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

Reason:

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

8. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no

change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site.

Reason:

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

9. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

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

Reason:

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

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

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

Reason:

To protect the amenities of the adjoining residential properties

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

The windows in the side elevation of the building, at first and second floor level hereby approved [serving the bedrooms of two flats [flats 7 and 9] shall be glazed in obscure glass and shall only have a top light opening above 1.7m from the floor height of the rooms to which the application relates. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

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

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

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

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

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

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

Reason:

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

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

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

Reason:

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

14. 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.

15. 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)

And at no time on Saturdays, 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.

16. APPROVAL CONDITION ' Energy & Water [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

17. APPROVAL CONDITION ' Energy & Water [performance condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

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

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

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

Reason:

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

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

Reason:

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

20. APPROVAL CONDITION, Refuse & Recycling [Pre-Occupation Condition]
Before the occupation of the development the approved facilities to be provided for the storage, removal and recycling of refuse from the premises shall be constructed in accordance with the approved plans, and such facilities shall be permanently maintained and retained for that purpose. Material details shall be agreed under the condition titled 'Details of building materials to be used'.

Reason:

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

21. APPROVAL CONDITION, Cycle Storage [Pre-Occupation Condition]
Before the building is first occupied the hereby approved cycle storage facilities shall be provided on site in accordance with the approved plans. The approved cycle storage facilities shall be retained whilst the building is used for residential purposes. Material details shall be agreed under the condition titled 'Details of building materials to be used'.

Reason:

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

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

Reason:

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

23. 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.

24. APPROVAL CONDITION – Parking & Visibility splays [Performance condition]

A minimum of 5 on-site parking spaces shall be available to residents of the development (in accordance with the approved drawings) prior to the first occupation of the development. No more than 1 space per dwelling shall be allocated. The pedestrian visibility splays as shown in the site plan (drawing no. MJ/WC/PSP 3; REV B) must be provided prior to the commencement of development and retained whilst the car parking spaces are in use. The maximum height of any feature of the development (including vegetation) within the visibility splays must not exceed 600mm in height.

Reason:

IN the interests of highways safety.

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

The external amenity spaces serving the development hereby approved, and pedestrian access to it, shall be made available prior to the first occupation of the development hereby permitted and shall be retained with access to them at all times. The gardens serving the houses shall be private to the occupants of the houses, and the garden provided for the occupants of the flats shall be a communal space. Both of which shall be made available prior to the occupation of the associated dwelling.

Reason:

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

26. APPROVAL CONDITION – Drainage & Sewerage Infrastructure

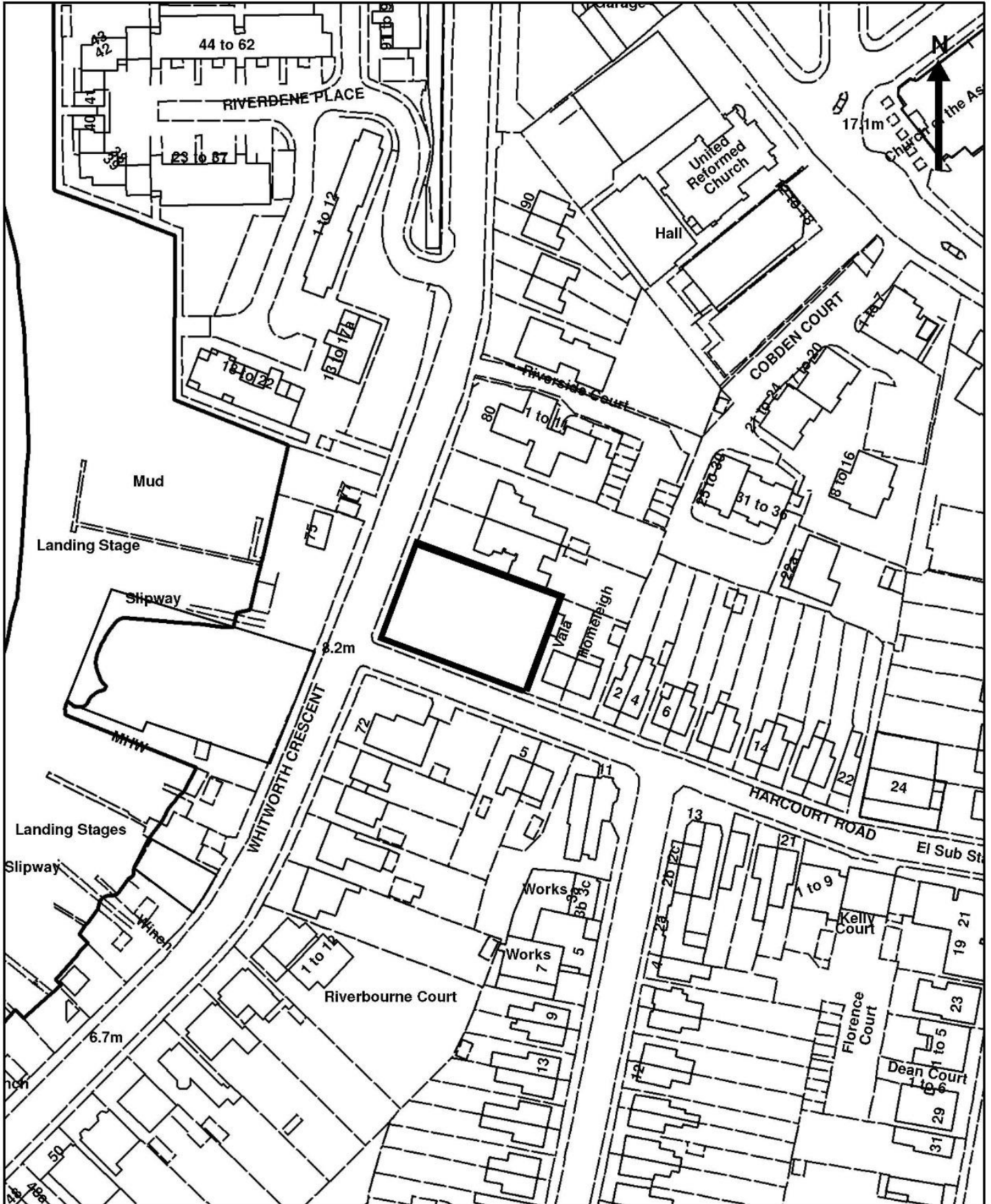
No development shall commence (excluding the demolition and site preparation phase) until details of the proposed means of foul sewerage and surface water drainage have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be constructed in accordance with the agreed details prior to the first occupation of the development.

Reason:

As further capacity maybe required to accommodate the proposed intensification of development.

Note to Applicant - Southern Water - Informative

The applicant is advised to note the comments from Southern Water (dated 19th May 2015) in relation to this application. In particular they advise that a formal application for connection to the public water supply and a formal agreement to provide the necessary sewerage infrastructure are required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgate, Otterbourne, Hampshire SO21 2SW – Tel. 0330 303 0119.



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Application 15/00610/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 10

Appendix 2

Appendix 2 Decision notice and refused plans re 06/01643/FUL



DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (General Development Procedure) Order 1995

BCA Architects
Lower Barn
Lake Court
Hursley
Winchester
SO21 2LD

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

REFUSED

Proposal: **Redevelopment of the site. Demolition of the existing building and erection of a part 2-storey, part 3-storey and part 4-storey building to provide 12 flats with associated parking.**

Site Address: **Harcourt Mansions 74 Whitworth Crescent Southampton SO18 1TP**

Application No: **06/01643/FUL**

For the following reason(s):

01.

The proposals would result in direct overlooking of the rear gardens of houses in Harcourt Road and Whitworth Crescent from habitable room windows at first and second floor level in the east and north facing elevation of the proposed building. Given the closer proximity of the flats to the boundary than windows in the existing building the resultant loss of privacy to occupiers of surrounding properties would be materially greater and more harmful than currently occurs. The proposals are therefore contrary to Policy SDP1 of the City of Southampton Local Plan March 2006.

02.

The proposal, having regard to the character of the area, including levels of on-road parking and the failure to provide the maximum number of parking spaces allowable under the adopted policies for a development of this scale, is likely to result in over-spill parking on surrounding nearby roads to the detriment of the amenities of the residents of those areas. The proposal would therefore be contrary to policies SDP1 and SDP3 of the City of Southampton Local Plan March 2006.


03.

The proposal as submitted fails to demonstrate that appropriate measures have been incorporated into the scheme for energy/resource conservation and is therefore contrary to Policy SDP13 of the City of Southampton Local Plan March 2006 which seeks to ensure that new development is of a sustainable nature.

04.

The proposals fail to secure the following measures which would be necessary to enable the development to proceed and are therefore contrary to Policy IMP1 of the City of Southampton Local Plan Review - Adopted Version 2006 and to the Supplementary Planning Guidance on Planning Obligations 2005 (as amended):

- a. measures to address the travel demands of the development by securing measures to encourage sustainable travel for pedestrian, cycle and public transport movement as required by Policy SDP2 of the City of Southampton Local Plan Review - Adopted Version March 2006.
- b. Public open space and play space as required by Policies CLT5 and CLT6 of the City of Southampton Local Plan Review - Adopted Version March 2006.
- c. Contributions towards the strategic transport network.
- d. A highway condition survey.

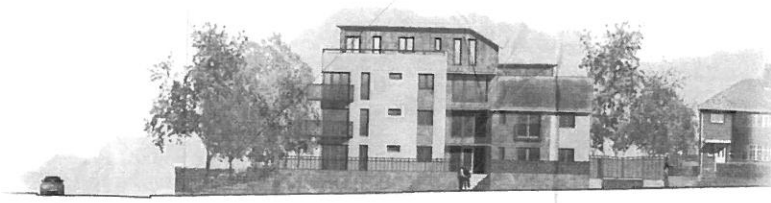


Alan Sayle
Development Control Manager

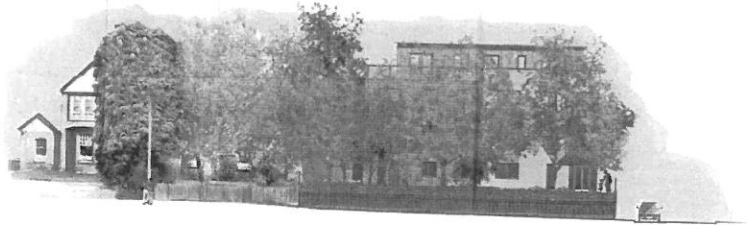
2 January 2007

For any further enquiries please contact:
Andrew Amery

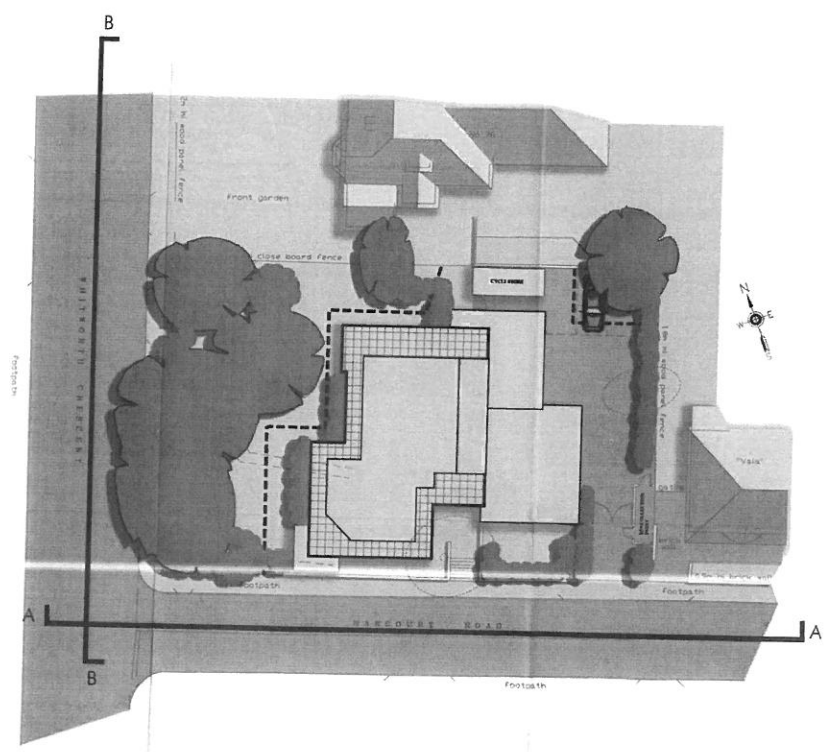




SECTION A-A - HARCOURT ROAD STREET SCENE



SECTION B-B - WHITWORTH CRESCENT STREET SCENE



SITE PLAN

PLANNING &
06 NOV 2008
SUSTAINABLE



KNIGHTWOOD
Homes

WHITWORTH CRESCENT, SOUTHAMPTON
SCALE 1:200 at A1



106/01648/FUL

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REV.	DESCRIPTION	DRAWN (AKD)	DATE
A	Bin Store added to site layout.	CT	16/10/05

STATUTORY COPY
Landscaping to be confirmed.

- Paving slabs.
- Tarmac.
- Permeable paving.
- Existing trees to be retained.
- Existing trees to be removed.
- Protective fencing denoting the construction exclusion zone.
- Indicative Landscaping.

RESERVED FOR
Preliminary

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PROJECT
Whitworth Crescent
74 Whitworth Crescent
Southampton
for Knightwood Homes

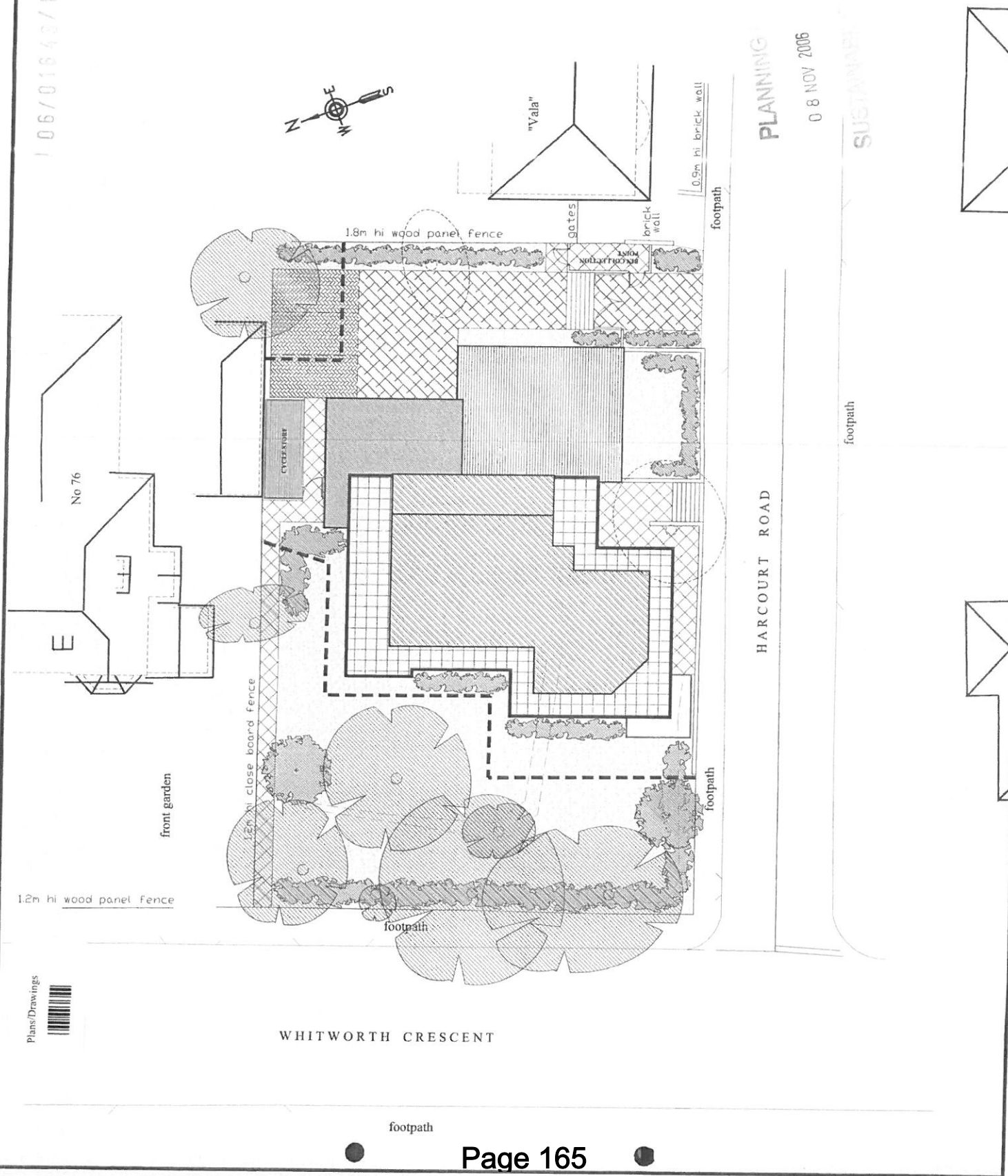
Project type: Drawing classification: Site
Work stage: Scheme design

DRAWING FILE
Planning
Site Layout

KNIGHTWOOD
C E L L

SHEET	SHEET SIZE	SHEET NO.	DRAWN	CHKD	DATE	CAD FILE
1	A0	1 of 1			10/10/2006	

DRAWING NUMBER
06-150-001-A



PLANNING

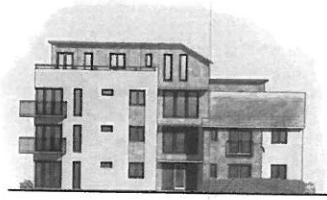
08 NOV 2006

SUSTAINABLE

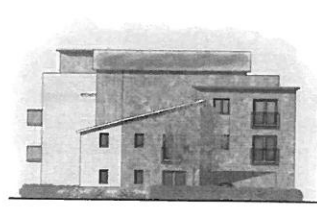


WHITWORTH CRESCENT

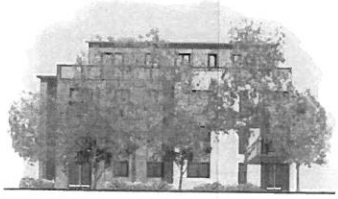
1 & 2 BED APARTMENTS



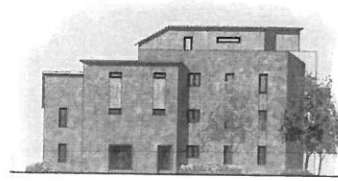
ELEVATION FRONTING HARCOURT ROAD



SIDE ELEVATION



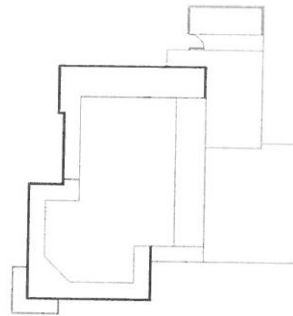
ELEVATION FRONTING WHITWORTH CRESCENT



SIDE ELEVATION



THIRD FLOOR



ROOF



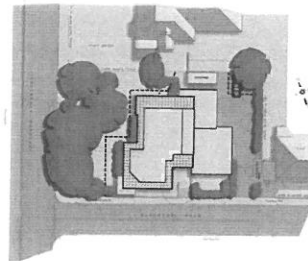
FIRST FLOOR



SECOND FLOOR



GROUND FLOOR



SITE PLAN SCALE 1:500

PLANNING A
0.8 100% RES
S15 FLOOR

PLANNING A
0.8 100% RES
S15 FLOOR



WHITWORTH CRESCENT, SOUTHAMPTON
SCALE 1:200 at A1
06/150.003
Page 166





Appeal Decision

Site visit made on 21 November 2007

by **G M Hollington MA, BPhil, MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
6 December 2007

Appeal Ref: APP/D1780/A/07/2052645

Harcourt Mansions, 74 Whitworth Crescent, Southampton, SO18 1TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Knightwood Homes Ltd against the decision of Southampton City Council.
- The application Ref. 07/00208/FUL, dated 14 February 2007, was refused by notice dated 19 June 2007.
- The development proposed is "Resubmission – 11 no. flats including demolition of existing building".

Decision

1. I dismiss the appeal.

Procedural Matter

2. The appellant has submitted a section 106 unilateral undertaking which, in the event of planning permission being granted and implemented, would ensure the making of financial contributions in respect of highway works, public open space, playing fields, play space and any repair works identified in a post-development highway condition survey. In addition, each residential unit would be supplied with a sustainable travel voucher. These measures would overcome the sixth reason for which planning permission was refused.

Main Issues

3. I consider the main issues in this appeal to be the effects of the proposed development on:
 - (a) the character and appearance of the surrounding area;
 - (b) the living conditions of the occupiers of adjoining properties, with particular reference to visual impact and noise and disturbance;
 - (c) on-street car parking; and
 - (d) energy/resource conservation.

Reasons

- (a) Character & Appearance
4. The existing flats building fits in with the surrounding area's largely surviving Victorian and Edwardian character but is of no particular distinction – it is not

listed as being of special architectural or historic importance and it is not in a conservation area. In principle, therefore, I have no objection to its replacement, and Government advice such as in Planning Policy Statement (PPS) 3: *Housing* encourages making better use of previously developed land.

5. However, this is qualified by the need not to compromise the quality of the local environment. Policies SDP 7 and SDP 9 of the City of Southampton Local Plan Review respectively expect buildings to enhance and respect their context and to be of a high quality of design, and the *Residential Design Guide* supplementary planning guidance (SPG) has similar aims.
6. The proposed flats would have a contemporary design which would not be objectionable in principle. However, the building's footprint would be considerably greater than that of the existing flats and, being 2-4 storeys in height and partly flat-roofed, its bulk would appear substantially greater. Furthermore, both street elevations would stand closer to their respective roads. While the Whitworth Crescent elevation would be set back more than the houses to the south, it would stand forward of its neighbours to the north. More pronounced would be the position of the Harcourt Road elevation, with 3 storeys less than 2m from the footway and balconies closer to the street.
7. Such a large building in such proximity to the road frontages would be unduly dominant in the street scene of this mostly traditional residential area and result in the loss of the current spacious appearance arising from the low proportion of the site occupied by buildings, opposite a largely open river frontage. Although taller buildings may be appropriate in principle at junctions to provide a visual focus, in this location a building of such mass and prominence would not adequately respect its context.
8. I therefore conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. It would not accord with the aims of Local Plan policies SDP 1, SDP 7 and SDP 9, the SPG and PPS3. This is sufficiently serious that it is not outweighed by my favourable views on the other main issues.

(b) Living Conditions

9. The proposed flats would stand significantly closer to Vala, Harcourt Road, than the existing flats but the nearest part would be only 2-storey and the 3-storey part, to the rear, would be about 9m from the boundary. In the side of Vala, the ground floor window faces an existing fence and the upper floor window does not appear to serve a habitable room. While the proposed building would affect the outlook from Vala and its garden and result in a loss of openness, I consider this would not be so dominant or oppressive as to be unacceptable.
10. Vehicular access and parking areas would adjoin the boundary with Vala, separated only by a fence and narrow planting strip. Occupiers of Vala would, therefore, be likely to be aware of associated activity, but I note that close to this boundary there are existing garages and areas which have been used for parking. Furthermore, residential development is generally regarded (as in Planning Policy Guidance note 24: *Planning and Noise*) as a noise-sensitive use rather than a source of noise. Consequently, I consider the likely volume of traffic and associated activity would not be sufficient to cause such noise and disturbance that it would result in material harm to living conditions.

11. The proposed 3-storey north elevation would be some 8m from the south elevation of 76 Whitworth Crescent, i.e. in a position similar to the upper parts of the existing flats. As the proposed 3rd floor would be considerably further back from the boundary, I consider the impact on the outlook from no. 76 would not be significant.
12. On this issue, therefore, I conclude that the proposed development would not result in unacceptable harm to the living conditions of the occupiers of adjoining properties, with particular reference to visual impact and noise and disturbance. It would not conflict with the aims of Local Plan Policy SDP 1.

(c) Car Parking

13. The Council acknowledges there is no highway authority objection to the proposed development, which would comply with its maximum parking standards (Local Plan Policy SDP 5 and Appendix 1). However, it draws attention to local residents' concerns about high levels of on-street parking and the likely generation of some additional parking on nearby roads. I saw that Whitworth Crescent northwards from about Harcourt Road, Harcourt Road and the nearer end of Macnaghten Road were all well used for car parking, and I would expect more cars to be parked overnight and at weekends (the appellants' parking survey results are of little assistance as they covered only one evening and do not present a clear picture of where cars were parked).
14. Nevertheless, there are no nearby waiting restrictions and there was ample space to park along Whitworth Crescent south of the Harcourt Road junction. Planning Policy Guidance note (PPG) 13: *Transport* points out that developers should not be required to provide more spaces than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety.
15. Consequently, although any additional on-street parking could cause some residents to park less conveniently close to their own homes, my conclusion is that the proposed development would accord with the aims of Local Plan Policy SDP 3 and not have an unacceptable effect on on-street car parking.

(d) Energy/Resource Conservation

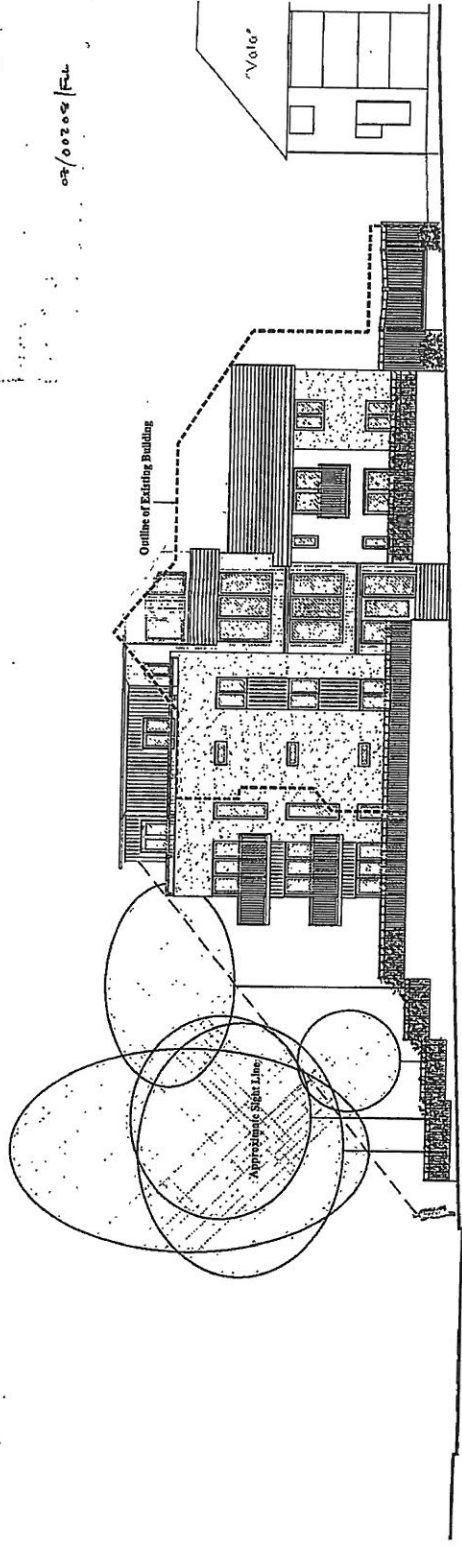
16. Local Plan Policy SDP 13 expects developments to be designed in a way which minimises their overall demand for resources, and the Council is concerned the submitted scheme fails to demonstrate that appropriate measures have been incorporated for energy/resource conservation.
17. However, a sustainability report was submitted with the planning application, indicating measures which would be incorporated in the development. These could be secured by condition and so I conclude that the proposed development would be acceptable in respect of energy/resource conservation and accord with the aims of Local Plan Policy SDP 13.

G M Hollington

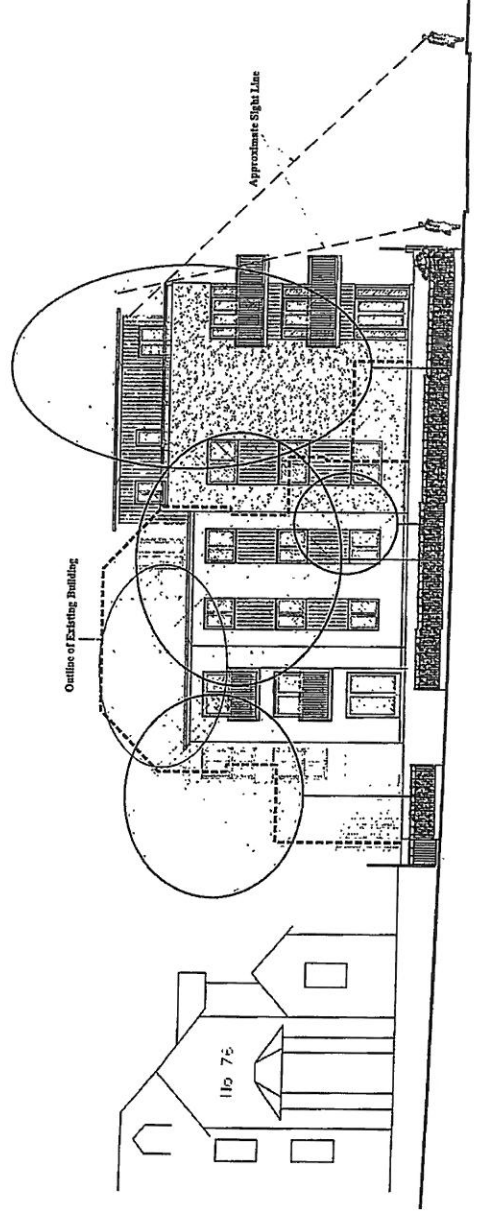
INSPECTOR

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REV	DESCRIPTION	BY	CHKD	DATE
A	Elevations amended to planners & clients comments.	CT	**	09/02/07
B	View from Harcourt Road amended.	CT	**	10/04/07



VIEW FROM HARCOURT ROAD



VIEW FROM WHITWORTH CRESCENT

KEY
 - - - - - Outline of Existing Building
 Approximate Sight Line

**PLANNING &
 SUSTAINABILITY**
 18 APR 2007

ISSUED FOR **Preliminary**

BA architects
 LOWER BARN,
 LAKESIDE,
 HURSTLEY WIMBORNE,
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PROJECT
Whitworth Crescent
 74 Whitworth Crescent
 Southampton
 for Knightwood Homes

Project type: Drawing consultation
 Work stage: Scheme design

DRAWING TITLE
Planning Building Heights

KNIGHTWOOD
 HOMES

SCALE	SHEET NO	DRAWING NO	DATE	CD FILE
1:200	A3	1 of 1	20/10/2006	

DRAWING NUMBER
06-150-006-B

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REV	DESCRIPTION	DATE
A	Bin Store added to site layout	18/10/05
B	Roof Plan updated. Additional parking space added.	09/02/07

- KEY**
- Landscaping to be confirmed.
 - Paving slabs.
 - Tarmac.
 - Permeable surfacing
 - Shingle path.
 - Existing trees to be retained.
 - Existing trees to be removed.
 - Protective fencing denoting the construction exclusion zone.
 - Indicative Landscaping.

Preliminary

LOWER BARN,
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PROJECT
Whitworth Crescent
74 Whitworth Crescent
Southampton
for Knightwood Homes

Project type: Domestic extension
Site

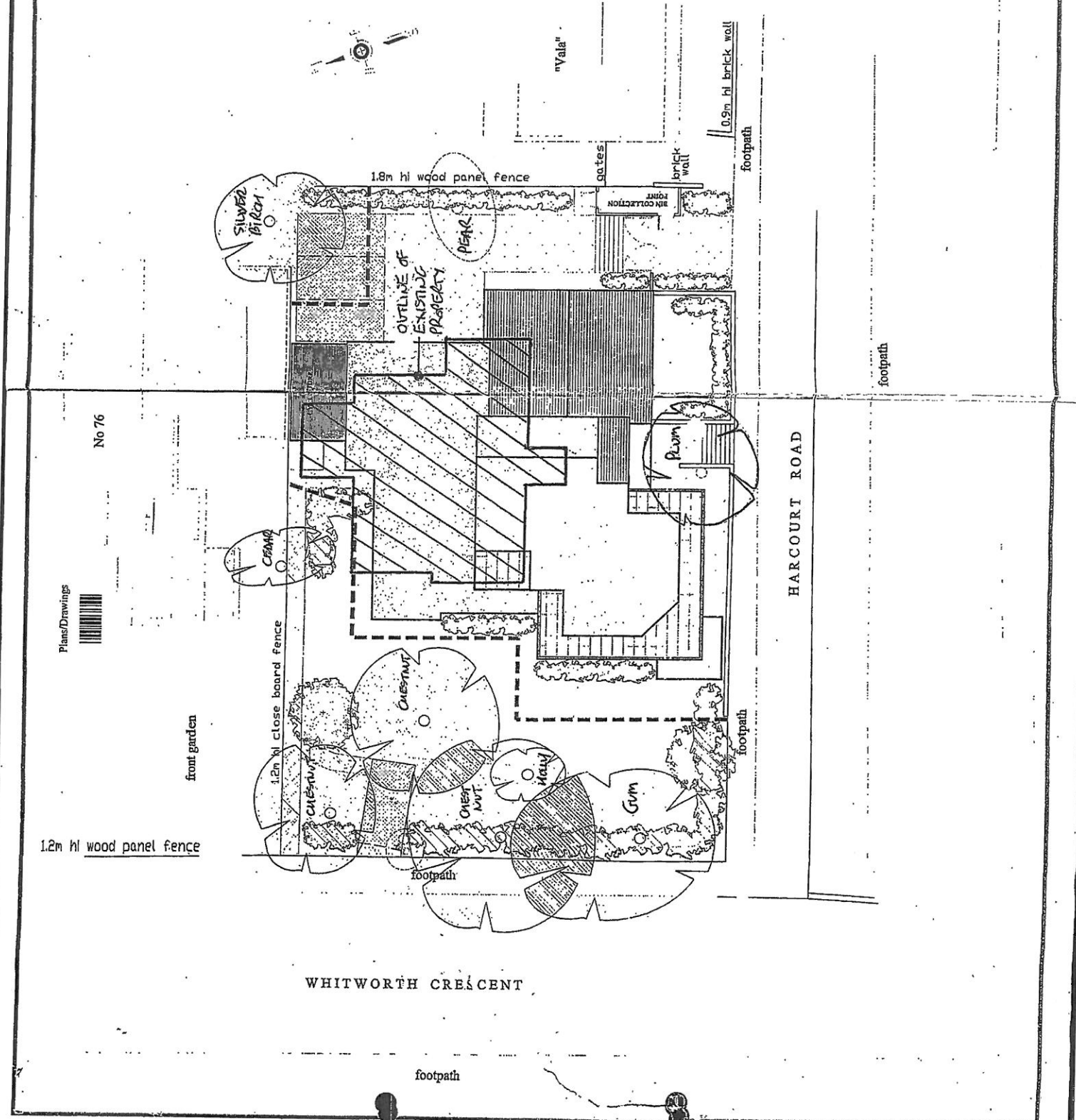
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Date: 09/10/2006

KNIGHTWOOD
HOMES

KNIGHTWOOD TITLE
Planning
Site Layout

SCALE: 1:200
SHEET NO: AS
DRAWN: 1 of 1
DATE: 09/10/2006
CAD FILE: R01102006

06-150-001-B



Plans/Drawings
No 76

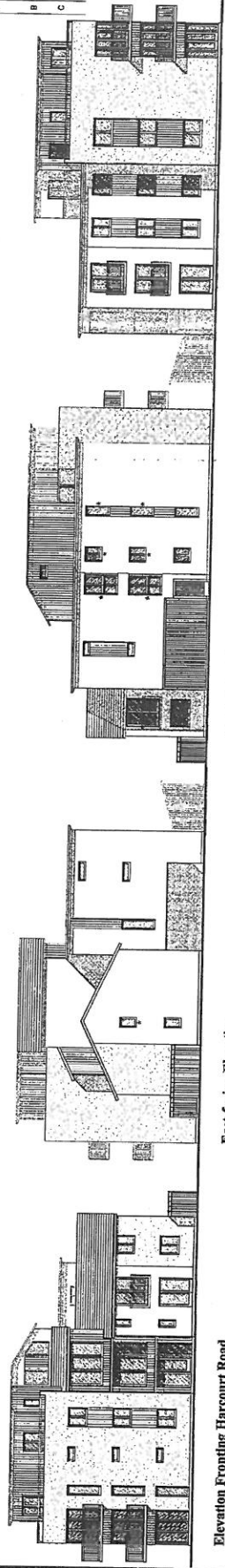
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NO.	DESCRIPTION	DATE
1	Initial design	17/11/06
2	Final design	09/02/07
3	Final design	09/04/07

07/04/07/10/07

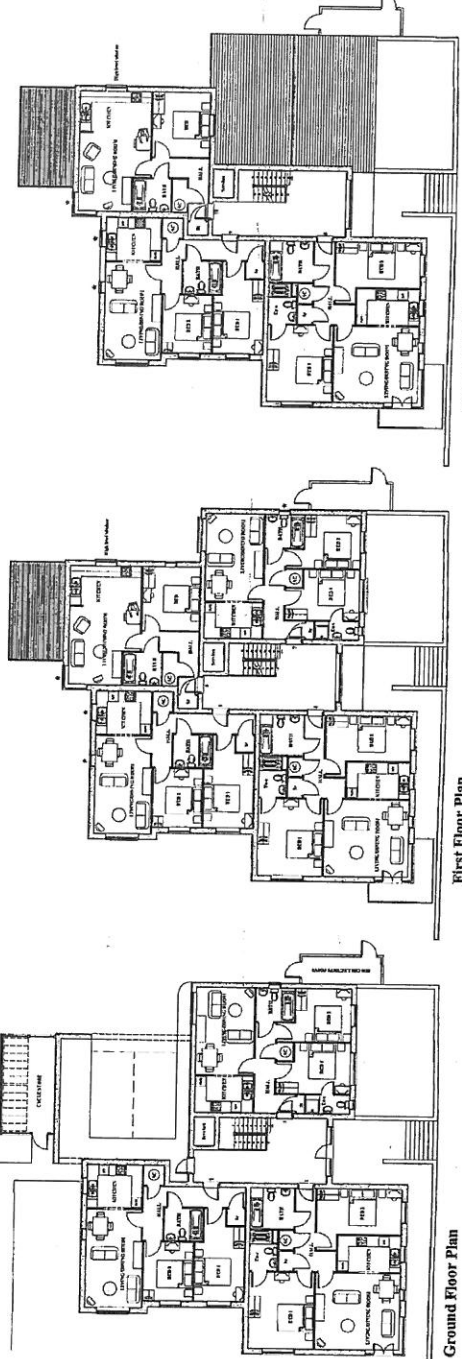


Elevation Fronting Whitworth Crescent

North-facing Elevation
* Obscure Glazed Windows

East-facing Elevation
* Obscure Glazed Windows

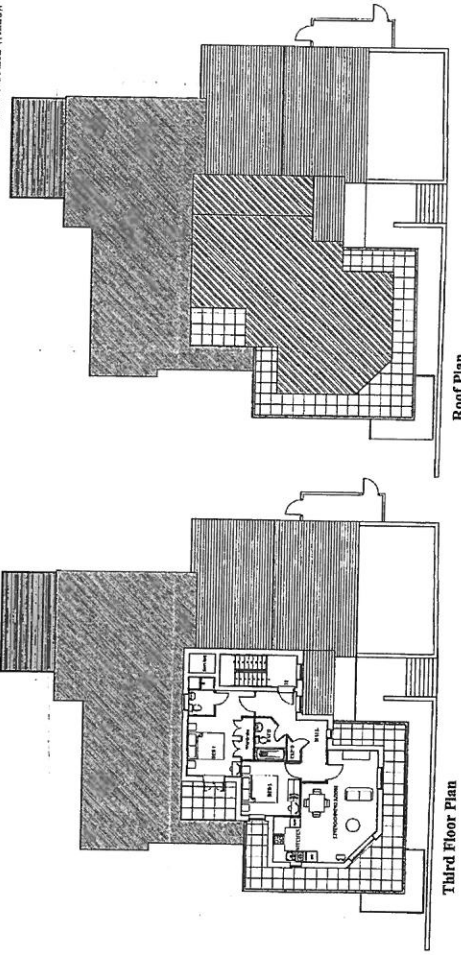
Elevation Fronting Harcourt Road



Second Floor Plan
* Obscure Glazed Window

First Floor Plan
* Obscure Glazed Window

Ground Floor Plan



Roof Plan

Third Floor Plan

Preliminary

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Whitworth Crescent
74 Whitworth Crescent
Southampton
for Knightwood Homes

KNIGHTWOOD
Planning
Floor Plans &
Elevations V2

SCALE: 1:100 (ELEVATIONS)
DATE: 18 APR 2007
DRAWING NO: 06-150-003-C

18 APR 2007
DRAWING NO: 06-150-003-C

Appendix 4 Planning and Rights of Way meeting minutes and approved plans re
10/00965/FUL

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2010

Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts (except items 95 and 95), Mead, Osmond and Thomas (except items 93, 94 and 95)

Apologies: Councillor John Slade

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

RESOLVED that the Minutes of the meetings held on 28th September 2010 and 26th October 2010 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

Copy of all reports circulated with the agenda and appended to the signed minutes.

85. **CEDAR PRESS LTD, ROYAL CRESCENT ROAD - 08 01791 FUL**

Re-development of the site to provide a 100 bedroom hotel and 122 flats (65 x one bedroom, 51 x two bedroom and 6 x three bedroom) in a 25 storey building with associated landscaping, parking and access

Mr Sayle (Agent) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION IN CONJUNCTION WITH THE SECTION 106 LEGAL AGREEMENT COMPLETED 7TH SEPTEMBER 2010, WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Mead, Osmond and Thomas

ABSTAINED: Councillor Letts

RESOLVED that conditional planning approval be granted subject to:-

- (i) the conditions as previously agreed by the Planning and Rights of Way Panel on 26th May 2009 and the additional conditions below; and
- (ii) in conjunction with the Section 106 legal agreement completed 7th September 2010.

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

REASON:

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

22 – Access to Bassett Green Road

The development hereby approved shall not be occupied until details have been submitted and agreed in writing with the Local Planning Authority to stop up the existing access onto Bassett Green Road and thereafter implemented in accordance with the agreed details. No other means of access shall be provided to the site other than the existing access from Northwood Close.

REASON:

In the interests of providing a secure residential environment for the future residents, and protect the highway safety of the users of Bassett Green Road.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The design and scale of the development responds successfully to the context and character of the immediate area. It results in no net loss of a family home by providing a unit suitable for family occupation with an additional mix of housing types, which make a positive contribution to the mix of housing available within this location. It also provides an appropriate residential environment for future occupants of the site without adversely affecting the residential amenity of neighbouring dwellings. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' Policies - SDP1, SDP5, SDP7, SDP9, H1, H2, H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

88. HARCOURT MANSIONS, WHITWORTH CRESCENT - 10/00965/FUL

Redevelopment of the site. Erection of a part 3-storey part 2-storey building comprising 3x2-bed houses, 1x3-bed house and 3x2-bed flats with associated parking and cycle/refuse storage

Mr Reay (Agent) and Mrs Simmons (Thekchen Buddhist Centre) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
 - (a) the conditions in the report, the amended and additional conditions below;
 - (b) the applicant entering into a Section 106 Legal Agreement to secure:
 1. a financial contribution towards the provision of public open space in accordance with Policy CS25 of the Core Strategy (January 2010), Policy CLT5 of the adopted City of Southampton Local Plan and applicable SPG;
 2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy Policy CS25 of the Core Strategy (January 2010), Policy CLT6 of the adopted City of Southampton Local Plan and applicable SPG;
 3. provision of affordable housing in accordance with LDF Core Strategy Policy CS15;
 4. site specific transport obligation for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
 5. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
 6. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

4 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted for approval in writing by the local planning authority, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking surface treatment, surface treatment for pedestrian access and circulation areas, all other 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 hedges and retaining walls; and a detailed specification for the northern boundary between the site and 76 Whitworth Crescent.
- (v) a landscape management scheme.

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

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

The boundary specification agreed under (iv) above, shall be fully implemented before any of the dwellings hereby approved are first occupied and subsequently maintained and retained at the approved heights at all times thereafter.

REASON:

To ensure an appropriate landscaped setting for the development, to safeguard preserved trees on the site, in the interests of crime prevention and privacy and also to safeguard pilot safety for aircraft approaching and departing Southampton airport.

8 - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by 20% as required in core strategy policy CS20 must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

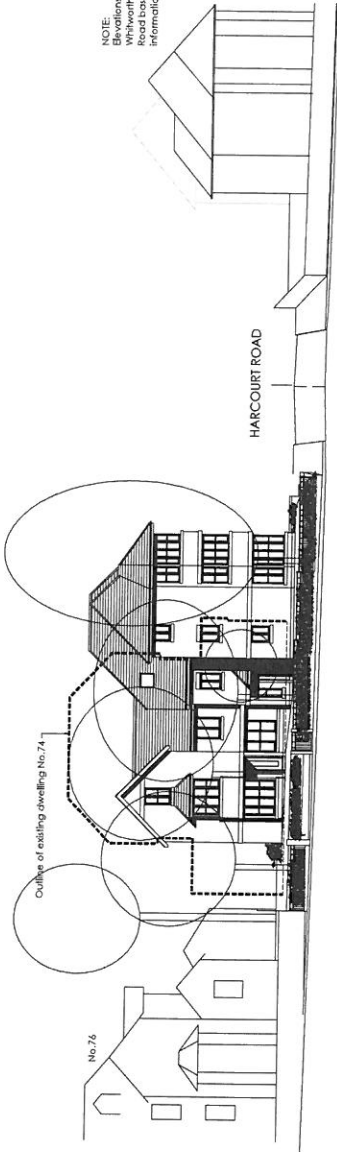
REASON:

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

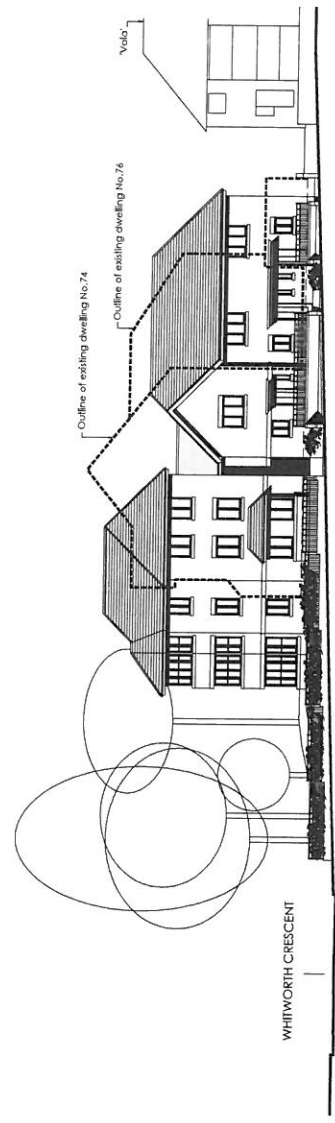
REVISIONS

NO.	DESCRIPTION	DATE
1	Building levels amended and floor levels to Whitworth Crescent extended to the north	27/10/10

NOTE: Locations of existing dwellings on Whitworth Crescent and Harcourt Road based on outline survey information only.



5.00 datum
WHITWORTH CRESCENT STREET ELEVATION



5.00 datum
HARCOURT ROAD STREET ELEVATION



Detail Planning



Proposed Development
74 Whitworth Crescent
Southampton
for JORGENSEN Ltd.

STREET ELEVATIONS

NO.	DATE	DESCRIPTION	BY	CHECKED	DATE
1	27/10/10	Final

09-1002-003A

Use of 'Average' form, Worcester Road, Southampton, Hampshire, SO9 0D
E-mail: info@urbanpulse.co.uk, Web: www.urbanpulse.co.uk

IF IN DOUBT ASK FOR CONFIRMATION

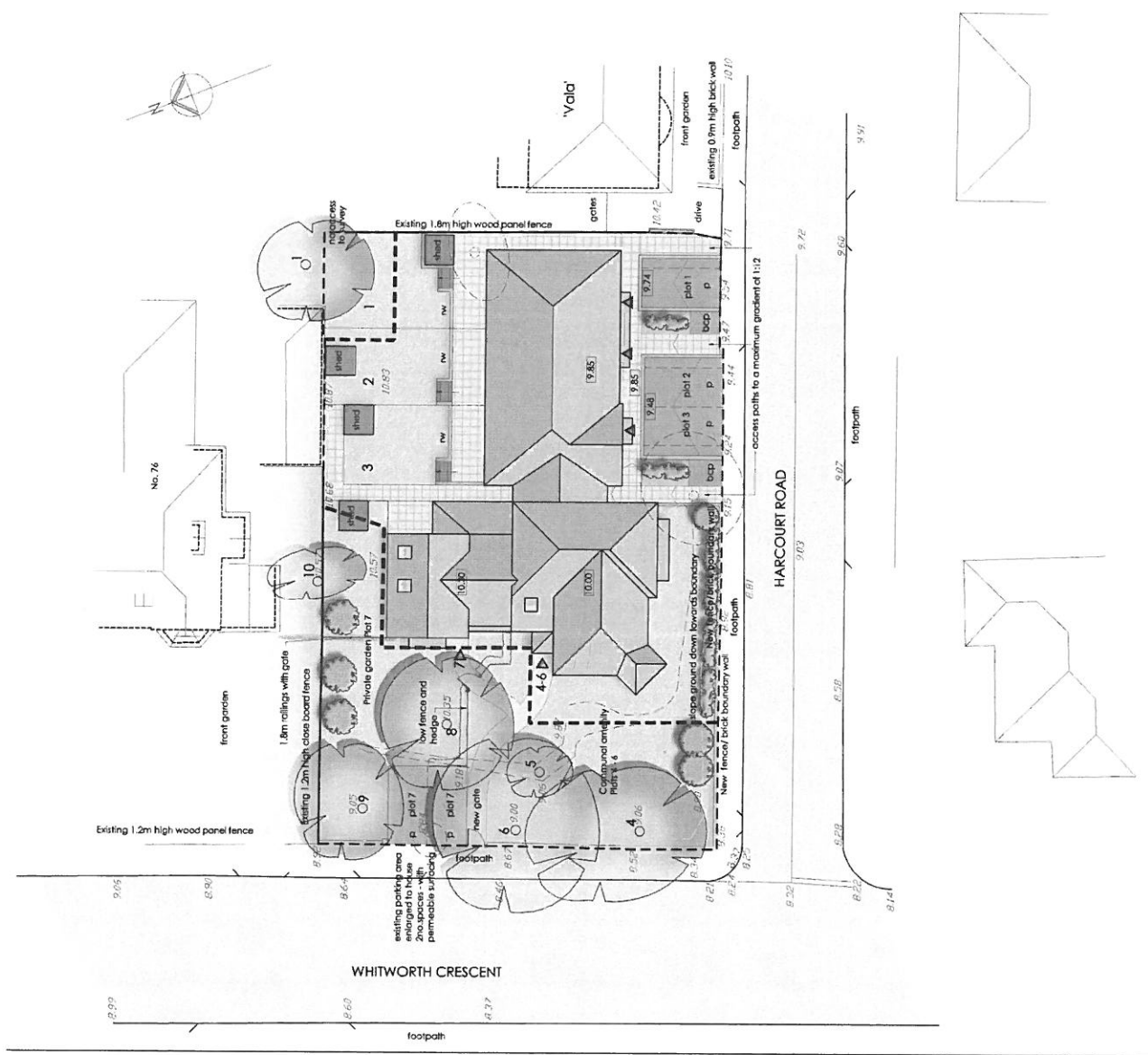
REVISIONS

NO.	DATE	DESCRIPTION
1	21/10/20	As Issued
2		
3		
4		
5		

A. Building levels amended and revisions to landscaping to be confirmed by the client.

KEY

- landscaping to be confirmed
- paving slabs
- permeable surfacing
- single path
- retaining wall
- existing survey levels
- proposed floor levels
- (Note: all proposed levels to be confirmed by Engineer)
- existing trees to be retained
- existing trees to be removed
- protective fencing denoting the construction exclusion zone
- indicative landscaping



Detail Planning



PROJECT:
Proposed Development
74 Whitworth Crescent
Southampton
for JORGENSEN Ltd

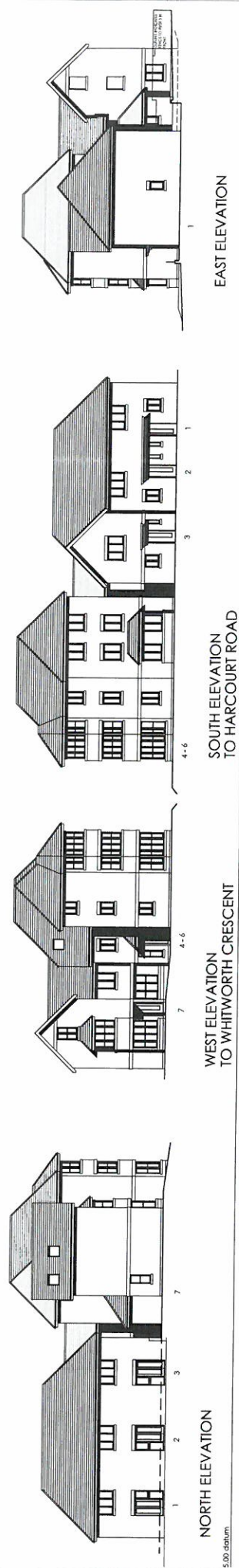
SCALE	DATE	ISSUED BY	APPROVED BY	DATE
1:200	21/10/20	U.P.	U.P.	21/10/20

09-1002-001A

Urb. P. 10/20/20
E: enquiries@urbanpulsearchitects.co.uk
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V: urbanpulsearchitects.co.uk

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REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	A Building levels amended	10/11/10	



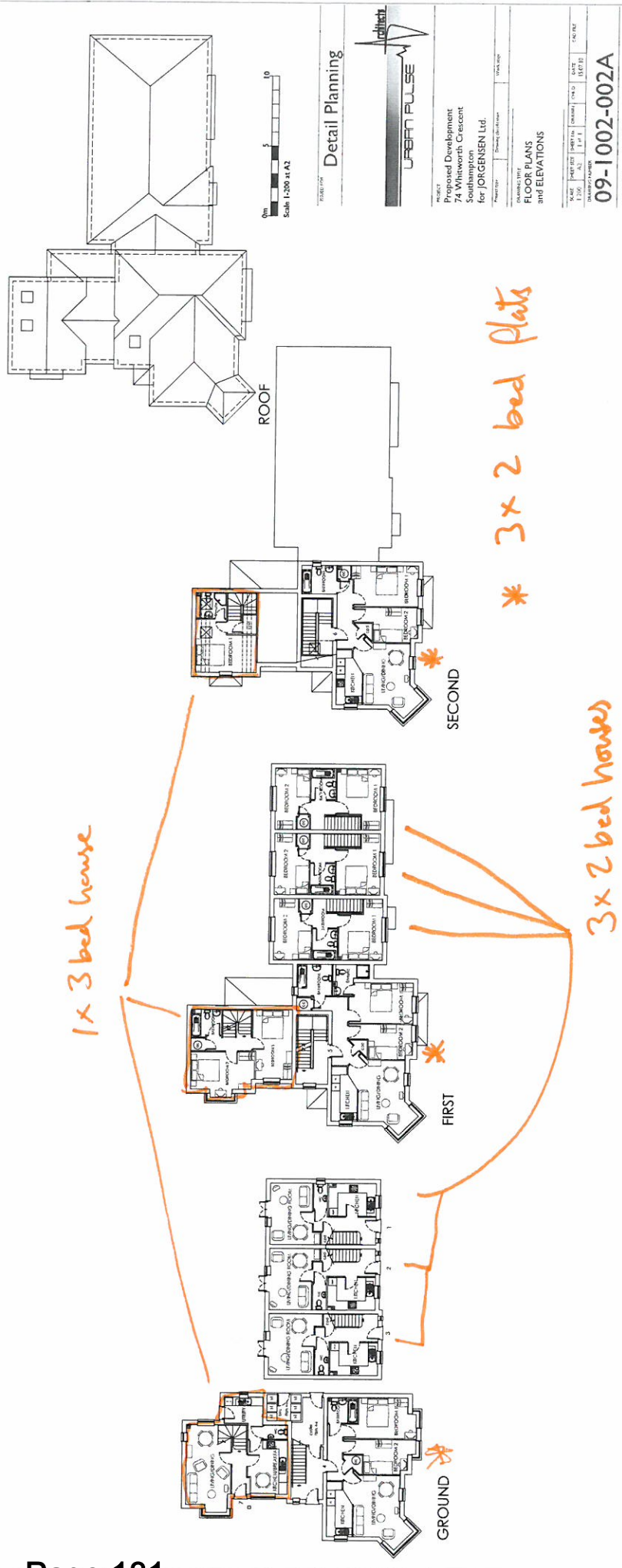
EAST ELEVATION

SOUTH ELEVATION TO HARCOURT ROAD

WEST ELEVATION TO WHITWORTH CRESCENT

NORTH ELEVATION

5.00 datum



1 x 3 bed house

* 3 x 2 bed flats

3 x 2 bed houses

Detail Planning



Proposed Development
74 Whitworth Crescent
Southampton
for JORGENSEN Ltd.

DATE: 10/11/10
DRAWN BY: J.P.P.
CHECKED BY: J.P.P.
SCALE: 1:200

NO.	DATE	DESCRIPTION	BY
09-1002-002A			

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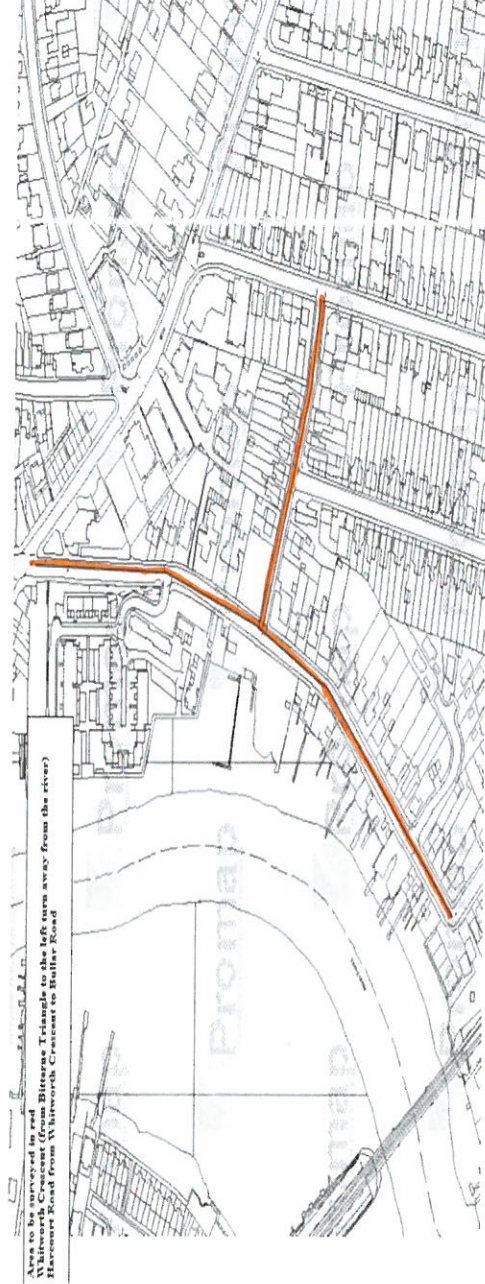
Appendix 5 Car Parking Survey

PARKING BEAT SURVEY

LOCATION: WHITWORTH CRESCENT, SOUTHAMPTON

SURVEY PERIODS: 11 MARCH 2015 – 01:00

12 MARCH 2015 – 04:00



Parking Survey - Whitworth Cres Area, Southampton

WEDNESDAY 11/03/2015

DATE

Road	Location	TIME	Number of Spaces Available exc Disabled	Number of spaces occupied	Number of spaces empty	No of Disabled	No of Disabled Occupied
Whitworth Cres	Bitterne Triangle to Riverdean Place	01:00	16	7	9	0	
	Bitterne Triangle to Riverdean Place		12	6	6	0	
	Riverdean Place to Harcourt Rd		9	4	5	0	
	Riverdean Place to Harcourt Rd		15	8	7	1	1
	Harcourt Rd to Hollingbourne Close		20	7	13	0	
	Harcourt Rd to Hollingbourne Close		15	9	6	0	
	Hollingbourne Close to Whitworth Rd		3	3	0	0	
	Hollingbourne Close to Whitworth Rd		6	4	2	0	
	Whitworth Cres to Macnaghton Rd		8	9	-1	0	
	Whitworth Cres to Macnaghton Rd		4	1	3	0	
	Macnaghton Rd to Bullar Rd		6	10	-4	0	
	Macnaghton Rd to Bullar Rd		6	6	0	0	
TOTALS			120	74	46	1	1

61.7%

OCCUPANCY LEVEL

Parking Survey - Whitworth Cres Area, Southampton

THURSDAY 12/03/2015

DATE

Road	Location	TIME	Number of Spaces Available exc Disabled	Number of spaces occupied	Number of spaces empty	No of Disabled	No of Disabled Occupied
Whitworth Cres	Bitterne Triangle to Riverdean Place	04:00	16	6	10	0	
	Bitterne Triangle to Riverdean Place		12	5	7	0	
	Riverdean Place to Harcourt Rd		9	4	5	0	
	Riverdean Place to Harcourt Rd		15	7	8	1	1
	Harcourt Rd to Hollingbourne Close		20	4	16	0	
	Harcourt Rd to Hollingbourne Close		15	7	8	0	
	Hollingbourne Close to Whitworth Rd		3	3	0	0	
	Hollingbourne Close to Whitworth Rd		6	4	2	0	
	Whitworth Cres to Macnaghton Rd		8	9	-1	0	
	Whitworth Cres to Macnaghton Rd		4	0	4	0	
Harcourt Rd	Macnaghton Rd to Bullar Rd		6	11	-5	0	
	Macnaghton Rd to Bullar Rd		6	7	-1	0	
TOTALS			120	67	53	1	1

55.8%

OCCUPANCY LEVEL

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Agenda Item 11

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23 June 2015
Planning Application Report of the Planning and Development Manager**

Application address: 216 Oakwood Drive			
Proposed development: Change of use from dwelling house (C3 Use) to flexible use as a dwelling (C3) or House of Multiple Occupation (C4).			
Application number	15/00271/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	19/05/2015	Ward	Coxford
Reason for Panel Referral:	Request by Ward Member and more than five letters of objection have been received	Ward Councillors	Cllr Spicer Cllr Thomas Cllr Morrell
Referred by:	Cllr Thomas	Reason:	Inappropriate use within a family dominated area which would set a harmful precedent. Impact of the proposed use on the residential amenities of neighbouring occupiers.
Applicant: Mrs Priscilla Watts		Agent: Adnac Services Attn. Mr Andrew Felton	
Recommendation Summary	Conditionally approve		

Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area characterised by a range of dwelling houses and flats. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highways safety. This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted. Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2015); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document Partial Review (March 2015); the HMO SPD (March 2012); and the Parking Standards SPD (September 2011).

Appendix attached			
1	Development Plan Policies	2	HMO Calculation

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey, semi-detached dwelling house located on the western side of Oakwood Drive. At the current time, this property comprises a lounge / dining room and kitchen at ground floor level in addition to 3 bedrooms and a bathroom at first floor level.
- 1.2 This property is located within a predominantly residential area characterised by two storey, semi-detached dwelling houses. It benefits from off road parking in the form of a garage and associated parking space within the rear garden.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwelling house) to a flexible use falling within Class C3 (Dwelling house) or Class C4 (House In Multiple Occupation). To the ground floor of the property, a lounge/diner and kitchen would be provided with three bedrooms and a communal bathroom provided at first floor level. A communal rear garden of approximately 63sqm would be retained and parking for 2 spaces are available to the rear of the site, one within a detached garage and one within the garden itself.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.
- 3.3 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Coxford which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).
- 3.4 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and

statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 None.

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 (30/03/2015). At the time of writing the report, **32** representations have been received from surrounding residents. One response has also been received from Councillor Thomas. The following is a summary of the points raised:

5.1.1 ***The proposed use would give rise to additional noise and disturbance detrimental to the residential amenities of neighbouring occupiers.***

5.1.2 Response: The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house. This is having particular regard to the modest size of the dwelling and its limited capacity which means that it is unlikely to accommodate up to 6 persons. Conditions are suggested to limit the number of occupants to 4 persons and to retain the communal living areas to prevent the formation of further bedrooms. The Council has powers under Environmental Health legislation to monitor and enforce against local nuisance and noise.

5.1.3 ***This proposal would destroy the quiet character of the neighbourhood which is characterised by family dwellings.***

Response: The application has been assessed in line with the HMO SPD. As such, a calculation was undertaken to ascertain whether any existing HMOs are present within a 40m radius of the application site. None have been identified. This would be the first HMO within a 40m radius. The HMO SPD sets a maximum threshold of 20% of HMOs in a 40m radius to minimise the impact of this type of use in terms of residential amenity. Furthermore, the limited occupancy of the HMO to no more than 4 persons is considered to be acceptable in this context. It is therefore, considered that the proposed use would not be harmful to the character of the area. A suitably worded planning condition will however, be imposed to restrict the number of occupants.

5.1.4 ***The proposed use would adversely impact on parking stress and congestion within the surrounding area.***

Response: There is space on site to park 2 vehicles. The Council's adopted car parking standards require the provision of 2 spaces in this location. The proposal subsequently meets the requirements of the HMO SPD in terms of parking provision. As such, it is considered that sufficient parking would be provided to serve the proposed use.

5.1.5 ***The application site is not suitable for multiple occupancy.***

Response: A site visit was undertaken to assess the quality of the residential accommodation. This property is of an appropriate size to be used as a HMO and will provide a good-quality residential environment for occupants. Furthermore, the Council's Private Sector Housing Team have raised no objections to the standard of accommodation. A condition will be imposed to restrict occupation under Class C4 to 4 people only.

5.1.6 ***Allowing the change of use would set a precedent for the wider area.***

Response: Any subsequent applications for similar uses within the surrounding area will be determined based on their planning merits. The threshold calculation applied in this instance and would also apply for any similar applications in the surrounding area which would restrict the additional number of HMOs that could be formed in the area. Each application must be determined on its individual planning merits.

5.1.7 ***The proposed use would trigger an increase in crime in the local area.***

Response: Crime is not solely linked to HMOs and could also be associated with a family dwelling. It is not, therefore, reasonable to assume that the proposal would result in increased crime within the area.

5.1.8 ***The proposed use would adversely impact on highways safety in the surrounding area.***

Response: It is not considered that the proposed use would have an adverse impact in terms of highways safety. The same access arrangements to the rear parking space and garage would remain unchanged and sufficient parking provision would be made. As such, the Council's Highway Team have not objected to the proposal.

5.1.9

Response: The site is large enough to accommodate satisfactory arrangements for the storage and collection of refuse. A planning condition is suggested to secure this and to ensure that refuse bins are kept within the rear garden at all times except on collection days.

5.2 **Consultation Responses**

5.2.1 **SCC Housing** – No objections to the proposal.

6.0 Planning Consideration Key Issues

6.1 The determining issues for this application relate to; a) whether the proposed use is acceptable in principle; b) whether the proposal would provide an appropriate residential environment, c) the impact of the proposed use in terms of residential amenity and local character and d) the impact of the proposed use in terms of parking and highways safety.

6.2 **Principle of Development**

- 6.2.1 Permission is sought for a flexible use of the property as a Class C3 dwelling house or a Class C4 HMO. When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve significant alterations to the existing property and as such, it could be converted back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. The proposed development meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle.
- 6.2.2 The HMO SPD sets out that for the Coxford ward, in which the application site is located, the maximum number of HMOs within a 40 metre radius of the application property should not exceed 20%. As such, if the percentage of HMOs within a 40m radius exceeds 20%, applications for additional HMOs will be refused for being contrary to policy.
- 6.2.3 21 properties were initially identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax, Environmental Health and Electoral Registration departments, it has been identified that there are no HMOs within the area at the current time. When the application site is included, there would be 1 HMO out of the 21 properties within the 40m radius or 4.8%. This is below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.
- 6.3 Residential Amenity and Local Character
- 6.3.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.
- 6.3.2 The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD), is a key way to manage the impacts of HMOs on residential amenity. The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwelling house, since no more than 4 residents would occupy the property at any one time whilst it is being used as a HMO. Furthermore, having regard to the location of the site, remote from the city's universities, the applicant has confirmed the intention for the HMO to accommodate professionals which would be more conducive to the character of the area. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

6.3.3 The City Council has taken a consistent approach in the determination of small HMOs within Class C4. The following recent applications are relevant in this instance:

- (a) 15/00234/FUL: 32 Highcrown Street. Conditional approval for the change of use from a house in multiple occupation (HMO) to a flexible use of either a 4-bedroom HMO (Class C4) or a dwelling house (Class C3)
- (b) 15/00031/FUL: Flat 7, Winn Court. Conditional approval for the change of use from 3-bed flat to a House of Multiple Occupation (use class C4). Limited to 3 occupiers.
- (c) 14/01920/FUL: 32C Northbrook Road. Conditional approval for the change of use of existing first floor from office/storage space to a 4 bed HMO (class C4), with new external staircase to rear. Limited to 4 occupiers.
- (d) 14/00812/FUL: 7 Avro Close. Conditional approval for the change of use from a dwelling house (class C3) to a 4-bed house in multiple occupation (HMO, class C4) including conversion of garage. Limited to 4 occupants.
- (e) 13/01941/FUL: 55 Stoneham Lane. Conditional approval for the change of use from a HMO to either a 4-bed dwelling house (class C3) or a 4-bed HMO (class C4).
- (f) 13/01204/FUL: 1 Colebrook Avenue. Conditional approval for a change of use from a dwelling house (class C3) to either a HMO (class C4) or a dwelling house (class C3). Limited to 3 occupants.

6.4 Quality of the Residential Environment

6.4.1 This property benefits from sufficient, usable rear amenity space for the enjoyment of residents. Furthermore, all habitable rooms are considered to benefit from sufficient outlook and access to light.

6.4.2 Paragraph 7.5 of the HMO SPD states that: 'A minimum number of cycle parking spaces to serve the HMO residents should be made available prior to first occupation of the HMO, enclosed within a secure cycle store'. The applicant has not submitted any details of cycle storage however it is acknowledged that secure and enclosed cycle storage could be provided in the garage. As this could be controlled by a suitably worded planning condition, this will not constitute an additional reason for refusal.

6.4.3 Refuse and recycling bins tend to be kept within the rear gardens of the properties along Oakwood Drive given that there is no vehicular access to the front of the property. A condition is suggested to secure purpose-built refuse storage and to require refuse containers to be stored within it, except on collection days.

6.5 Highways Safety and Parking

6.5.1 The HMO SPD outlines maximum car parking standards for HMOs. In this instance, a maximum provision of 2 spaces would apply for a Class C4 HMO. There is sufficient space for the parking of 2 cars at the application site. One space is provided within a detached garage and one is provided within the rear garden. Having regard to this, it is considered that sufficient parking is available at the application site.

7.0 Summary

7.1 The use of this property as a HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional approval.

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

1(a), 1(b), 1(c), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 02/06/15 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - Approved Plans

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

Reason:

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

3. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwelling house) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

4. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor rooms annotated on the submitted floor plans as the lounge / dining room shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Class C4 HMO and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

5. APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, when in Class C4 use, shall not exceed 4 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

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

6. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The property shall not be occupied as a Class C4 HMO until details of secure and covered cycle storage have been submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in full and retained thereafter.

Reason:

To encourage cycling as an alternative form of transport.

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

Prior to occupation, details of a covered refuse store shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained thereafter. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front or rear of the property.

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

Class F (hard surface area)

Class G (chimneys, flues etc.)

or Class H (satellite antenna or dish)

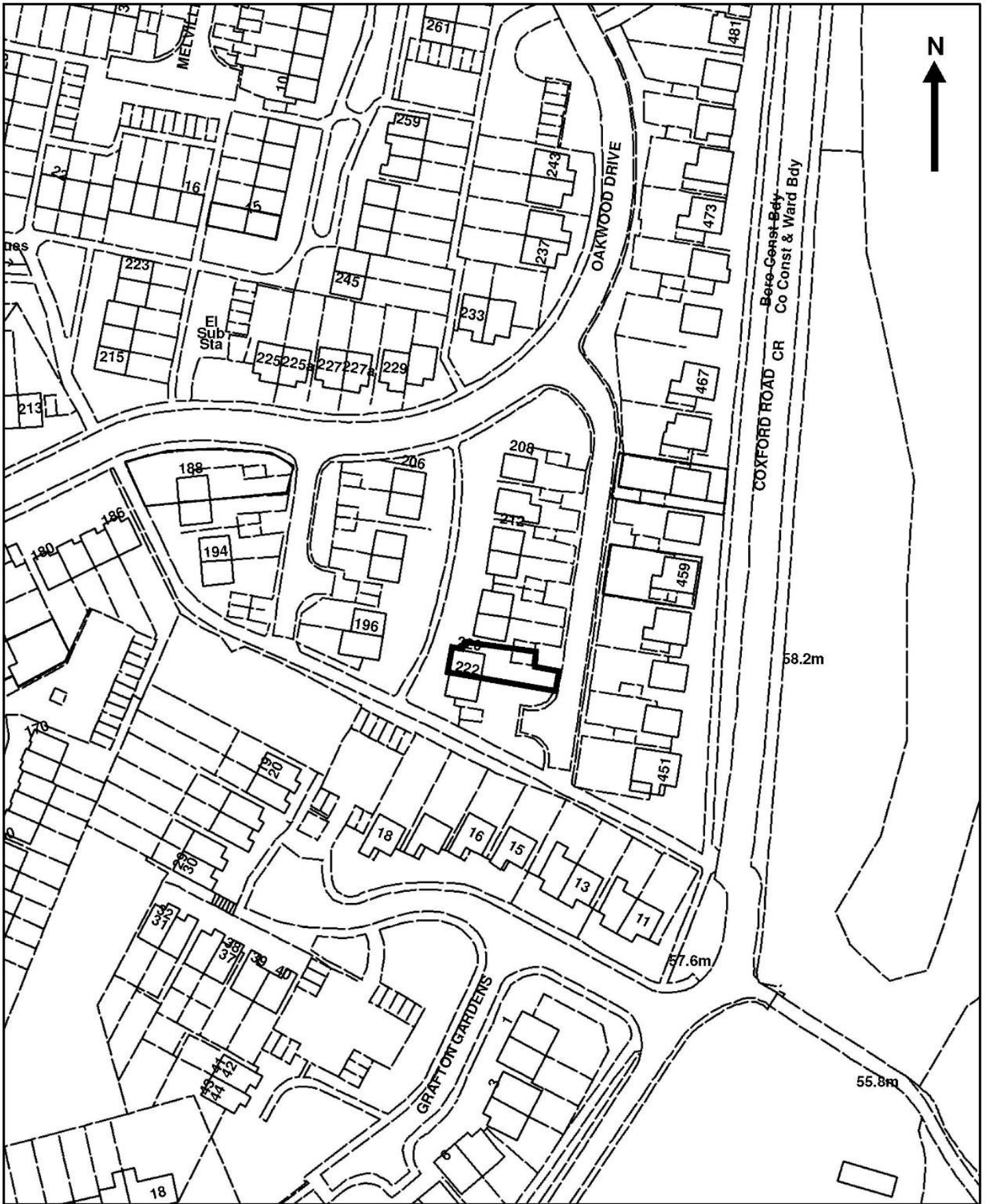
Reason:

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

Note to Applicant

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link;

<http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>



Scale: 1:1,250

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Application 15/00271/FUL

POLICY CONTEXT

Core Strategy Partial Review - (March 2015)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2015)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

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Agenda Item 12

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (East) 23 June 2015
Planning Application Report of the Planning and Development Manager**

Application address: 86 Waterloo Road			
Proposed development: Change of use of existing dwelling to flexible use as either a dwelling (C3 use) or House in Multiple Occupation (C4 use)			
Application number	15/00298/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	25/05/2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member.	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Shields
Referred by:	Cllr Moulton	Reason:	Parking, loss of a family home, overly intensive use of the property, excessive quantify of HMOs and rented properties in the area already.
Applicant: Mr P Watmough		Agent: Town Planning Experts	
Recommendation Summary	Conditionally approve		
Community Infrastructure Levy Liable	Not applicable		

Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area characterised by a range of dwelling houses and flats. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highways safety. This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted. Policies - SDP1, SDP7, SDP10, H4 and H7 of the City of Southampton Local Plan Review (March 2015); CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document Partial Review (March 2015); the HMO SPD (March 2012); and the Parking Standards SPD (September 2011).

Appendix attached			
1	Development Plan Policies	2	HMO Calculation

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey, detached dwellinghouse located on the southern side of Waterloo Road. At the current time, this property comprises a lounge, WC, store, kitchen and dining room at ground floor level; 5 bedrooms, a WC, bathroom and store at first floor level in addition to 2 bedrooms within the roofspace.
- 1.2 This property is located within a predominantly residential area. It benefits from a large front forecourt accessed via a dropped kerb and has a large garden to the rear.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwellinghouse) to a flexible use falling within Class C3 (Dwellinghouse) or Class C4 (House In Multiple Occupation). To the ground floor of the property, three lounges, a WC, dining room, store and kitchen would be provided with 5 bedrooms and a bathroom at first floor level and two bedrooms within the roofspace. A communal rear garden of approximately 77sqm would be retained and a driveway provides off road parking to the front of the property.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area and to provide adequate private and useable amenity space.
- 3.3 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Coxford which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).

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

4.0 Relevant Planning History

- 4.1 In 2015, an application (ref.15/00137/PAH) for the erection of a single storey rear extension was refused. This was a delegated decision.
- 4.2 In 2014, an application (ref.14/01707/FUL) for a change of use from a dwelling house (Class C3) to a flexible use of either a dwelling house (Class C3), a House in Multiple Occupation (Class C4) or a large House in Multiple Occupation for more than six people was refused. This was a delegated decision. The reason for refusal for this application was as follows;

REASON FOR REFUSAL - OVER-INTENSIVE USE OF THE PROPERTY

The change of use of the property from a C3 family dwelling to a large HMO (Sui Generis use) for 9 people, taking into account the context and character of the area, will result in an over-intensification in the use of the property which, by reason of the additional general activity, refuse generation, noise and disturbance associated with such a use, would be to the detriment of the amenity of nearby residents, reasonable living conditions of the proposed occupants and is out of character with the context of the local neighbourhood. This proposal is therefore, contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006; policy CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and section 6.9 of the HMO SPD.

An appeal against this decision has been submitted and is currently being determined by the Planning Inspectorate. It should be noted that this previous reason for refusal related to the proposed use of the property as a large 9 bedroom HMO only. The principle of a Class C4 HMO was deemed acceptable at this time.

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 (09/04/2015). At the time of writing the report **three** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 There is insufficient parking in the area to accommodate an additional HMO.

Response:

There is space on site to park four vehicles. The Council's adopted car parking standards require the provision of two spaces in this location. The proposal subsequently meets the requirements of the HMO SPD in terms of parking provision. As such, it is considered that sufficient parking would be provided to serve the proposed use.

5.1.2 ***The proposed use would result in an increase in noise and disturbance for neighbouring occupiers.***

Response:

The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwelling house. The Council has powers under Environmental Health legislation to monitor and enforce against local nuisance and noise.

5.1.3 ***Poorly managed HMOs can adversely impact on the wider area due to a lack of maintenance and absent landlords.***

Response:

Issues relating to maintenance are not limited to HMOs and can also be associated with Class C3 dwelling house. The site is large enough to accommodate satisfactory arrangements for the storage and collection of refuse. A planning condition is suggested to secure this and to ensure that refuse bins are kept within the rear garden at all times except on collection days.

5.2 Consultation Responses

5.2.1 **SCC Highways** - The site is situated within a residents parking zone whereby permits are allocated per address. The number of permits this site will be eligible for remains the same regardless of the outcome of this application. Therefore the likelihood and level of impact from overspill parking will be limited. Impact on the public highway is likely to be minimal.

As HMO's can accommodate individual living, a cycle parking space should be provided for each bedsit/bedroom in order to promote sustainable travel.

It is difficult to judge from the plans submitted to determine whether they have sufficient space on the forecourt to accommodate four parking spaces whilst providing an area to store bins on collection days and an appropriate width pathway for residents to access the property.

Regardless of how many cars can fit on the forecourt, the site currently benefits from a dropped access/kerb along the entire site frontage enabling vehicular access to the whole forecourt.

Other than the above, I do not think there are any other major highway concerns. I will be recommending approval subject to a condition to secure enclosed, secure and lockable cycle storage facilities with a 1 cycle space per 1 bedroom/bedsit provision.

5.2.2 **Councillor Moulton** – Reason for referral request: Parking, loss of a family home, overly intensive use of the property, excessive quantify of HMOs and rented properties in the area already.

6.0 Planning Consideration Key Issues

6.1 The determining issues that require consideration relate to; a) whether the proposed use is acceptable in principle; b) the quality of the proposed living environment; c) the impact of the proposed use on the residential amenities of any adjoining occupiers; and d) the impact of the proposed use in terms of parking and highways safety.

6.2 Previous Refusal

6.2.1 It is important to note that a key consideration in this instance is whether the reason for the refusal of the previous application has been overcome this time around. This previous application (ref.14/01707/FUL) sought permission for the change of use of the property from a dwelling house (Class C3) to a flexible use of either a dwelling house (Class C3), a House in Multiple Occupation (Class C4) or a large House in Multiple Occupation for more than six people. The submitted information for this previous application indicated that the property could potentially accommodate a maximum of nine people when in use as a large HMO. The reason for the refusal of this previous application focussed solely on the impact of the large HMO use for 9 people. It did not make reference to the use of the property as a Class C4 HMO for six people. As such, it was deemed at this stage that a Class C4 HMO for a maximum of six people would be an acceptable use in this location. As the applicant has removed the large HMO use from the scheme this time around, it is considered that the previous reason for refusal has been successfully overcome.

6.3 Principle of Development

6.3.1 Permission is sought for a flexible use of the property as a Class C3 dwelling house or a Class C4 HMO. When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve significant alterations to the existing property and as such, it could be converted back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. The proposed development meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle.

6.3.2 The HMO SPD sets out that for the Freemantle ward, in which the application site is located, the maximum number of HMOs within a 40 metre radius of the application property should not exceed 20%. As such, if the percentage of HMOs within a 40m radius exceeds 20%, applications for additional HMOs will be refused for being contrary to policy.

6.3.3 38 properties were initially identified within a 40m radius of the application site. Upon further investigation, it was found that 21 of these were flats. These were removed from the count as they would not physically be able to accommodate the number of people associated with a HMO. As such, 17 properties were included in the final count. Based upon information held by the City Council's Planning, Council Tax, Environmental Health and Electoral Registration departments, there is one HMO within the area at the current time (5.9%). When the application site is included, there would be two HMOs out of the 17 properties within the 40m radius

or 11.7%. This is below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

6.4 Residential Amenity

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (iii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwelling house. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

Quality of the Residential Environment

6.5

6.5.1 This property benefits from sufficient, usable rear amenity space for the enjoyment of residents. Furthermore, all habitable rooms are considered to benefit from sufficient outlook and access to light.

6.5.2 Paragraph 7.5 of the HMO SPD states that: 'A minimum number of cycle parking spaces to serve the HMO residents should be made available prior to first occupation of the HMO, enclosed within a secure cycle store'. The applicant has not submitted any details of cycle storage. As this could be controlled by a suitably worded planning condition, this will not constitute an additional reason for refusal.

6.5.3 Refuse and recycling bins tend to be kept either on the front forecourt at the majority of properties along Waterloo Road. This arrangement will continue at the application site and is considered to be acceptable. As such, sufficient storage for refuse and recyclable materials will continue to be provided.

6.6 Highways Safety and Parking

6.6.1 The HMO SPD outlines maximum car parking standards for HMOs. In this instance, a maximum provision of two spaces would apply for a Class C4 HMO. There is a relatively large front driveway at this property with sufficient space to meet these requirements. Having regard to this, it is considered that sufficient parking is available at the application site. The City Councils Highways department raise no objection to this proposal. They have requested a parking layout condition to be added requiring the applicant to submit a revised parking layout prior to occupation. This is however, not considered to be reasonable given that the existing driveway has sufficient space to provide the maximum standard of two space and has not therefore, been included.

7.0 Summary

7.1 The use of this property as a HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

8.1 To conclude, this proposal is considered to have an acceptable impact and can therefore, be recommended for conditional approval.

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

1(a), 1(b), 1(c), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 02/06/15 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use 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 - Approved Plans

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

Reason:

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

3. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

4. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]

The property shall not be occupied as a Class C4 HMO until details of secure and covered cycle storage have been submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in full and retained thereafter.

Reason:

To encourage cycling as an alternative form of transport.

Note to Applicant

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link;



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Application 15/00298/FUL

POLICY CONTEXT

Core Strategy Partial Review - (March 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review Adopted Version 2nd Revision – (2015)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

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PROPERTIES
EXISTING
FIND.



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