

# Planning and Rights of Way Panel (EAST)

Tuesday, 8th December,  
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 Tucker (Vice-Chair)  
Councillor Coombs  
Councillor Hecks  
Councillor Wilkinson

### **Contacts**

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## PUBLIC INFORMATION

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

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

### **Public Representations**

Procedure / Public Representations

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

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

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

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

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

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

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

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

### **Dates of Meetings: Municipal Year 2015/16**

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

<b>Planning and Rights of Way - WEST</b>	
<b>2015</b>	<b>2016</b>
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 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

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

### **3 STATEMENT FROM THE CHAIR**

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

(Pages 1 - 6)

To approve and sign as a correct record the Minutes of the meeting held on 27<sup>th</sup> October 2015 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 LAND BETWEEN SHOP LANE AND BURSLEDON ROAD, BOTLEY ROAD 15/01775/FUL** (Pages 11 - 32)

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.

### **6 68-76 AND 80-84 PORTSWOOD ROAD 14/02045/FUL** (Pages 33 - 70)

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 VOODOO LOUNGE, VINCENT'S WALK 15/01857/FUL** (Pages 71 - 106)

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.

**8 LEISURE TRAIL, MANSBRIDGE ROAD 15/01903/FUL (Pages 107 - 132)**

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.

**9 53 VICTORIA ROAD, SO19 9DZ 15/00157/OUT (Pages 133 - 144)**

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, 30 November 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 27 OCTOBER 2015

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Present: Councillors Denness (Chair), Tucker, Coombs, Wilkinson and Houghton

Apologies: Councillor Hecks

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

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

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

**RESOLVED:** that the minutes for the Panel meeting on meeting held on 15 September 2015 be approved and signed as a correct record.

27. **LAND AT TEST LANE 14/01911/FUL**

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

Redevelopment of the site to provide 19,132 square metres of employment floorspace in three buildings (Units 1 and 3 to be Storage and Distribution Use (Class B8), Unit 2 to be Business Use (Class B1 c) and/or Storage and Distribution Use (Class B8) with an area of open space, associated landscaping, servicing areas and car parking with vehicular access from Test Lane.

Eugene McManus, Andrew Hannam (local residents/objecting) Ashley Chambers (agent), Jerry Vigus (supporter), Neil Dickinson (applicant) and Councillors Pope and Whitbread (ward councillors / objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported:

- An amendment to the Habitats Regulation Assessment previously endorsed by the Panel with the following, additional wording, to be added to the section on 'Mobilisation of Contaminants' on Page 71 of the agenda. The new wording to read:
  - "The revised design incorporates the use of three underground tanks to accommodate surface water runoff. Installation of these tanks has the potential to mobilise contaminants which could enter ground water. To minimise the risk to ground water, all contaminated materials encountered during the installation process will be excavated and replaced with Type 1 material or topsoil. This will ensure that water quality in the neighbouring River Test will not be altered by the proposals."

RECORDED VOTE to grant planning permission  
FOR: Councillors Denness, Coombs, Houghton and Tucker  
AGAINST: Councillor Wilkinson

## **RESOLVED**

- (i) the Panel confirmed the Habitats Regulation Assessment on pages 65-76 of the report, subject to the amendments set out above;
- (ii) delegated to the Planning and Development Manager approval to grant planning permission subject to a S.106 Legal Agreement and the amended condition set out below; and
- (iii) that the agreed draft Section 106 agreement would be referred to the Panel for approval before the planning permission is issued. (Note: the Panel confirmed that no further consultation with local residents or Ward Councillors was required on this matter).

## **Amended Condition**

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

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

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

28. **224 PORTSWOOD ROAD, PART OF THE FORMER PORTSWOOD BUS DEPOT AT THE JUNCTION OF PORTSWOOD ROAD AND BELMONT ROAD, SO17 2LB 15/01510/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.

Development of the site to provide 330 Purpose Built Student Accommodation flats (435 bed spaces) in three buildings of between 3-storey's and 6-storey's plus lower ground floor level with vehicle access from Belmont Road and associated landscaping.

Adrian Vinson, Jerry Gillen, Richard Buckle, Ben Pym (local residents/ objecting), Mark Sennitt (applicant), Paul Conway (architect) and Councillor Paul O'Neil (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:

- the proposed development on the site had been altered from the published report from the provision of 260 to 330 Purpose Built Student Accommodation flats that would now provide 435 rather than 443 bed spaces; and
- the following additional clauses be added to part 2 of the S106 legal agreement:
  - xiii. the submission and implementation of a Construction Management Plan which includes the routing of construction traffic and timing of deliveries to avoid peak hours.
  - xiv. the submission, approval and implementation of Public Art in accordance with the Council's adopted Developer Contributions Supplementary Planning Document.
  - xv. a commuted sum towards off-site tree replacement or the implementation of off-site replacement tree planting, to include mature replacement tree species.

**RESOLVED**

- (i) to delegate to the Planning and Development Manager authority to grant planning permission subject to the completion of an amended S106 Legal Agreement and the amended and additional conditions set out below;

**AMENDED / ADDITIONAL CONDITIONS**

Amend Condition 3 - Materials:

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of

external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings and include alternatives to the buff colour brick finish indicated on the submitted drawings. 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.

Amend Condition 8- Replacement Trees:

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority and shall include the following species:

- Acer platanoides Olmstead
- Incense Cedar Calocedrus decurrens for evergreen interest
- Non-Fastigate Scots Pine Pinus sylvestris Fastigiata for evergreen interest
- Prunus Amanogawa for autumn colour and spring flowers
- Small Leaves Lime Tilia cordata Greenspire (as above)
- Elm Ulmus carpinifolia Wredei Aurea

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.

Additional Condition Tree Planting Method:

Prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority:

1. a root barrier for mitigating root damage to the public footway;
2. Specification for constructing the above-ground surfacing to the front of the plots in a way that allows continuous soil volumes not individual 'tree pits', while avoiding future root damage to surfacing that will bring pressure to fell for actionable nuisance.

The development shall thereafter proceed in accordance with the agreed specification.

Reason: To ensure that replacement tree planting improves the appearance of the site and enhances the character of the area.

29. **FORMER OAKLANDS SCHOOL (OASIS ACADEMY LORDSHILL), FAIRISLE ROAD, SO16 8BY 15/00340/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.

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).

Trevor Draper, Diane Grove, David Evans, Peter Edwards (local residents/ objecting), Ali Mew (agent), Alan Goodfellow (supporter) and Councillors Morrell and Thomas (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

During the meeting residents presented a petition opposing the development.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

30. **18A UPPER BANISTER STREET, SO15 2EF 15/01624/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.

Change of use from restaurant (Class A3) to bar (Class A4).

Steve Eddy, Ronnie Baratt, Lorraine Barter (local residents/ objecting) and Steve Hogan (applicant) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

31. **10-11 BEDFORD PLACE, SO15 2DB 15/01470/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.

Change of use from restaurant/cafe (class A3) to mixed use restaurant/cafe, drinking establishment, hot food takeaway, non-residential institutions, assembly and leisure (class A3/A4/A5/D1/D2) with new folding doors and retractable awning at first floor level.

The presenting officer reported that:

- The rear of the site fronts Lower Banister Street and not Upper Banister Street as outlined in paragraph 1.1 of the Panel Report.
- Paragraph 6.2.5 of the Panel report states that it is only the first floor which will be used for D1 and D2 uses. This is incorrect. The proposed D2 use (dance and music performances) will also take place at ground floor level.

Steve Eddy, Ronnie Baratt, Lorraine Barter (local residents/ objecting) and Steve Lawrence (agent) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** that planning permission be granted subject to the conditions listed in the report.

# Agenda Annex

## PLANNING AND RIGHTS OF WAY PANEL (EAST)

### INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 8 December 2015 - 6pm

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JT	CAP	5	15/01775/FUL Land between Shop Lane and Bursledon Road, Botley Road
6	AL	DEL	15	14/02045/FUL 68-76 and 80-84 Portswood Road
7	JT	DEL	15	15/01857/FUL Voodoo Lounge, Vincent's Walk
8	SB	CAP	5	15/01903/FUL Leisure Trail, Mansbridge Road
9	SB	CAP	5	15/00157/OUT 53 Victoria Road, SO19 9DZ

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

Delete as applicable:

JT – Jenna Turner

AL – Anna Lee

SB – Stuart Brooks

## Southampton City Council - Planning and Rights of Way Panel

### Report of Planning & 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
  - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)
  
4. Policies and Briefs published and adopted by Southampton City Council
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Developer Contributions SPD (September 2013)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
  - (i) Women in the Planned Environment (1994)
  - (j) Advertisement Control Brief and Strategy (1991)
  - (k) Biodiversity Action Plan (2009)
  - (l) Economic Development Strategy (1996)
  - (m) Test Lane (1984)
  - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)\*
- (dd) Bassett Avenue Character Appraisal (1982)\*
- (ee) Howard Road Character Appraisal (1991) \*
- (ff) Lower Freemantle Character Appraisal (1981) \*
- (gg) Mid Freemantle Character Appraisal (1982)\*
- (hh) Westridge Road Character Appraisal (1989) \*
- (ii) Westwood Park Character Appraisal (1981) \*
- (jj) Cranbury Place Character Appraisal (1988) \*
- (kk) Carlton Crescent Character Appraisal (1988) \*
- (ll) Old Town Conservation Area Character Appraisal (1974) \*
- (mm) Oxford Street Conservation Area Character Appraisal (1982) \*
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)\*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)\*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)\*
- (tt) Old Woolston Development Control Brief (1974)\*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

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

## 5. Documents relating to Highways and Traffic

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

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. 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)



# Agenda Item 5

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (EAST) - 8 December 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land between Shop Lane and Bursledon Road, Botley Road			
<b>Proposed development:</b> Subdivision of land to form two plots for use by travelling show people including for storage of vehicles, siting of residential caravans and associated equipment. Provision of new access from Botley Road, following closure of existing access (resubmission of application reference 14/01520/FUL)			
<b>Application number</b>	15/01775/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	30.10.15	<b>Ward</b>	Bitterne
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors</b>	Cllr Lloyd Cllr Letts Cllr Jordan
<b>Applicant:</b> Mr Charles Cole		<b>Agent:</b> Neighbours Llp	
<b>Recommendation Summary</b>		<b>Conditionally approve</b>	
<b>Community Infrastructure Levy Liable</b>		<b>No</b>	

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is 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, SDP16, NE4, CLT3, H3 and T12 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS13, CS14, CS17, CS18, CS19, CS22 and CS22. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Enforcement Notice	2	Development Plan Policies
3	Planning Policy Comments		

## Recommendation in Full

**Conditionally approve**

## **1. Background**

- 1.1 Following Planning Enforcement investigations, including serving a Planning Contravention Notice, the Council served an Enforcement Notice on the 27<sup>th</sup> April 2015 (See **Appendix 1**) requiring the cessation of the use of the site by travelling showpersons and the return to agricultural use. Based on the information received during Enforcement investigations, whilst there has been historic use of the site by travelling showpersons, officers consider that this use was temporary in nature and, therefore, permitted development. However, officers also consider that, from 2014 onwards, the site has been used in a more permanent manner than previously (i.e. more than 28 days in a calendar year) and, therefore, requires planning permission.
- 1.2 Prior to the Enforcement Notice being served, a planning application was submitted to regularise the use and was recommended for refusal by officers, although withdrawn from consideration before it could be determined. An appeal against the Enforcement Notice was lodged on the 8<sup>th</sup> July 2015 and is scheduled for public inquiry in February 2016.
- 1.3 This application also seeks planning permission for the use of the site by travelling showpeople, although proposes changes to current unauthorised arrangements in order to address the reasons for the Notice being served.
- 1.4 The site falls across the administrative areas of Eastleigh Borough Council (EBC) and Southampton City Council (SCC), with 4065 sqm of the site falling within SCC's administrative area and 1843 sqm falling within EBC's jurisdiction. As such, an identical planning application has also been submitted to Eastleigh Borough Council and is pending consideration. Officers at Eastleigh Borough Council have confirmed that they are minded to recommend approval of that application.

## **2. The site and its context**

- 2.1 The site is a piece of land of 0.58 hectares which is broadly triangular in shape and, with the exception of the south-eastern edge, which is generally open, is bounded by dense hedgerows which contain a number of trees. The site itself is a grassed area, with no significant changes in ground levels and, apart from vegetation to the site boundaries, is generally featureless. The application site is part of a wider field, although this is not demarcated by any physical feature such as a boundary or hedge. Vehicular access is currently taken from the north-west corner of the site, immediately adjacent to the junction of Botley Road with Bursledon Road.
- 2.2 The north-western boundary of the site abuts Botley Road, which is adopted 'B' class public highway and is a predominantly residential street which typically comprises detached, two-storey houses, set back from the road with a relatively uniform building line. Until the approach to the junction with Portsmouth Road, the eastern edge of Botley Road is largely undeveloped, with robust hedging, pepper-potted with trees, forming the boundary with the road itself. The site itself lies on the administrative boundary between Southampton City and Eastleigh Borough Council.

### 3. Proposal

- 3.1 As set out above, this application seeks to regularise the use of the site by travelling showpersons, albeit with some key differences. National planning policy defines travelling showpersons as:  
*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers.*
- 3.2 The application proposes closing the existing vehicular access from the junction of Botley Road and Bursledon Road by erecting new boundary treatment and planting new hedgerow. A new vehicular access is proposed from Botley Road, approximately 70 metres from the junction.
- 3.3 The use itself involves the storage of fairground equipment and the siting of residential caravans. The application sets out that this includes:
- Two families in 2 residential wagons and up to 10 caravans
  - Seven 40 tonne lorries
  - 3 vans
  - 4 cars
  - Four fairground rides
- 3.4 The application proposes two main storage areas, either side of the new access, and set back from the boundary with Botley Road by between 18 and 30 metres. A landscaped buffer would be provided between the storage areas and the boundary with Botley Road. Whilst the greater portion of the site lies within SCC's administrative area, 1292 sqm of the storage area that would be actively used would be within SCC and 1660 sqm within the Eastleigh area.
- 3.5 The site is predominantly used from September to March, outside of the travelling season.

### 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 The site is identified in the Southampton and Eastleigh adopted Development Plans as forming part of the Strategic Gap between Southampton and Eastleigh. The site is part of a wider area of open fields which lies between Southampton and the neighbouring settlement of Bursledon.
- 4.3 Also relevant, is the Southampton Gypsy and Travelling Showpeople Accommodation Assessment (December 2014). This document would jointly be commissioned by Southampton and Eastleigh Borough Council and assesses the need for Gypsy, Traveller and Travelling Showpeople accommodation across the two administrative areas and whether this need can be accommodated on existing sites.

- 4.4 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 4.5 The Government's Planning Policy for Traveller Sites (2015) specifically addresses travelling show people. The policy explains that planning authorities should assess need and have regard to the needs of travelling show people for mixed use storage / yards and residential accommodation, consider the existing level of local provision and the availability of alternative accommodation, the personal circumstances of the applicant, and that Local Plans should identify specific deliverable sites for 5 years of supply. Factors to consider in selecting sites include using previously developed / untidy land, limiting sites in open countryside away from settlements, protecting the environment / local amenity, managing co-existence with existing communities, enabling access to education / health / other facilities, and reducing the number of unauthorised sites. The policy should be read in conjunction with the NPPF.

## 5. **Relevant Planning History**

- 5.1 As noted above, the site is subject to an Enforcement Notice relating to its use by travelling showpersons. The reasons for issuing the Enforcement Notice are as follows:

*It appears to the Council that the above breach of planning control has occurred within the last ten years. The owner of the site has failed to demonstrate that there are no other available and deliverable sites to accommodate the requirements of the travelling show people that would justify allowing development within the strategic gap. The nature, scale and permanence of the development would erode the function of the gap and be detrimental to the visual character and amenities of the area. This would be contrary to policies CS17 and CS21 of the Southampton City Council Local Development Framework Core Strategy 2010.*

*The location of the site is in close proximity to residential properties fronting Botley Road. The nature, scale and permanence of the use would introduce a level of activity, noise and disturbance which would be detrimental to the quality of the visual and quiet amenity currently enjoyed by the occupiers of those properties, contrary to Policy SDP1 of the City of Southampton Local Plan Review 2006 and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.*

*The position and layout of the existing access on this busy junction is wholly unsuited to the increase in the volume and size of vehicles that would be accessing and exiting the site throughout the year. The lack of sightlines, failure to accommodate areas for vehicles to wait without obstructing the highway, and the layout of the surrounding road network results in an increased potential for collisions and be detrimental to highway safety. This is therefore contrary to Policy T12 of the City of Southampton Local Plan Review and CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.*

- 5.2 On the 8<sup>th</sup> September 2014 the Council registered a full planning application for

the subdivision of the land to form two plots for use by travelling show people, including for the storage of vehicles, up to 12 caravans and associated equipment (LPA reference 14/01520/FUL). The planning application was withdrawn by the applicant on the 21<sup>st</sup> November 2014. The officers of the Council were minded to refuse planning permission for the application at that time and had drafted a report to the Planning and Rights of Way Panel with a recommendation to this effect.

- 5.3 Prior to this, on the 13<sup>th</sup> February 1992, the Council received a planning application for the use of the site for off-road training or motorcycles for approximately 7 hours per week (LPA reference 920165/02750/E). Planning permission for the use was granted for a temporary period on 12<sup>th</sup> May 1992.

## **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 (11.9.15). At the time of writing the report **96** representations have been received from surrounding residents. This includes **29** responses, submitted by the applicant, from various people who confirm no objection to the proposal. The following is a summary of the objections raised:

- 6.2 *The proposed new access will result in the loss of a significant amount of established hedgerow. Replacement planting would take too long to establish and provide effective screening. The loss of natural vegetation and habitat would have a harmful impact on local wildlife.*

### Response

The hedgerow along the western boundary of the site with Botley Road does have amenity and local biodiversity value. The proposed new access will indeed result in the removal of some vegetation however, the location of the access has been arrived at in consultation with the Council's Tree and Ecology officers to limit the impact on this hedgerow. The new access will avoid the removal of any important amenity trees and good working practices, secured by condition, can ensure no harm to wildlife during the formation of the access. Furthermore, overall the application proposes replacement tree and shrub planting on a favourable basis both to strengthen the existing hedgerow and in stopping up the existing access. Whilst some vegetation will inevitably take time to establish, the Council's Tree Team have advised that it would be possible to secure some new planting that will have an immediate effect.

- 6.3 *Botley Road is not sufficiently wide to enable large vehicles to safely turn into the site, particularly if any vehicles are parked on the street. Large vehicles would block access by emergency service vehicles. Given the busy nature of Botley Road, the proposed access would be dangerous.*

### Response

In Highway safety terms, the proposed access represents a significant improvement on the existing established access into the site. Tracking diagrams have been provided which demonstrate that an articulated vehicle can turn left into the site from Botley Road. The Council's Highway Officer has advised that this would be sufficient to accommodate the largest possible vehicle entering the site, although the final position of the access gates would need to be determined based on the length of an articulated vehicle towing a caravan. This can be

secured by condition. In addition to this, the applicant has indicated their willingness to submit and adhere to a management plan for the arrivals and departure of vehicles from the site and this can also be secured by planning condition. In addition to this, the necessary sightlines can be achieved from the new access location.

- 6.4 *The proposal would result in noise and disturbance to nearby residents particularly with the repair and maintenance of vehicles and generators.*

Response

The application proposes to site and store vehicles and equipment and not the maintenance of equipment and vehicles. Given the specialist nature of equipment involved, typically it would be taken off site to be maintained. A condition is suggested to restrict the on-site maintenance of equipment. As noted, the application proposes a significant landscape buffer between the boundary and the main areas that would be used that minimises the effect on the neighbouring residents and also prevents the use from intensifying further. A key consideration in terms of the effect on nearby residents is the arrivals and departures of the larger vehicles to and from the site. Conditions are suggested to restrict the hours that this can occur.

- 6.5 *The use appears out-of-keeping with the area and unsightly in the Strategic Gap.*

Response

This issue is discussed in more detail below. Over-all it is considered that the increased landscaping proposed and the set-back of the main storage area from Botley Road would assist in mitigating the visual effect of the development.

- 6.6 *The application suggests that the site has been used for the siting and storage of equipment and residential caravans for the last 40 years. This is not the case.*

Response

The Council acknowledge that whilst the applicant has long-term family ties to the site and that the site may have been used on a temporary basis in the past, the current use, as described in the Enforcement Notice (**Appendix 1**) does represent a breach in planning control.

6.7 **Consultation Responses**

- 6.7.1 **SCC Highways** – No objection. The repositioning of the access further west will be an improvement on the existing access arrangements. The new access is sufficiently wide and the sightlines seem acceptable. The gates into the site should be set back from the public highway to allow for an articulated vehicle towing a caravan to pull fully off the highway onto the site. The submitted information demonstrates that an articulated vehicle can turn left into the site. The access is designed to avoid the left-turn of articulated vehicles out of the site. Although, it is unlikely that vehicles would approach the site from the south, a tracking diagram should be provided to demonstrate that this could be achieved. Details of the makeup of the access route and parking areas are required to understand that mud will not be dragged onto the highway in inclement weather.

- 6.7.2 **SCC Planning Policy** – No objection. The detailed comments are provided as **Appendix 2** to this report.

- 6.7.3 **SCC Archaeology** – No objection. Suggests a condition to secure an

archaeological investigation.

- 6.7.4 **SCC Trees** – The siting of the proposed entrance, as identified on the landscape masterplan, dated October 2015 with drawing ref number 003\_OS74 Rev:B, cuts through a section of the green belt that runs along Botley Road. The area that has been identified will have little impact to the trees, therefore I have no objection to the proposed location. My main concern is over the loss of visual screening to the site. Although there is new planting shown for the site, it would appear that the access is at a slight angle to the road and the planting would not give adequate future screening, but would make more of an avenue feature rather than a screen.

I would therefore ask if the angle of the entrance be adjusted and have the new planting follow the line of the new access road. This planting would have to extend past the existing vegetation belt so as to provide a screen from the properties along Botley Road. If this can be achieved, I have no objections on tree grounds

Note:- Recommended conditions 3 and 8 address these points.

- 6.7.5 **SCC Environmental Health (Pollution & Safety)** – No objection or conditions suggested.
- 6.7.6 **SCC Ecology** – The proposed new planting will increase the quantity of native woodland/hedge habitat on the site which will be beneficial to local wildlife and satisfactorily mitigate the creation of a new access through the hedgerow on Botley Road. It will also create a connection to the hedgerow on Bursledon Road establishing a longer wildlife corridor.

The submitted Landscape Masterplan Plan is slightly inaccurate as it shows an area of existing vegetation running across the current entrance. This needs to be corrected to show it as an area of new planting. This alteration would not fundamentally alter the landscape proposals and I am therefore happy for a revised landscape plan to be secured through a planning condition.

I am happy with the proposed tree and shrub species mix although as this site would previously have supported heathland I would like gorse, *Ulex europaeus*, added to the edge of the woodland planting within the site. I am also supportive of the proposal for an area of wildflower grassland however, a species mix has not been shown on the Landscape Masterplan. The addition of an appropriate range of wildflower species should be secured through a planning condition.

The existing hedgerow provides suitable habitat for nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). All vegetation removal should therefore be undertaken outside the nesting season. The safe period for vegetation clearance runs from September to mid-February. If clearance can't be undertaken within this period, the vegetation should be checked by a suitably qualified ecologist before works commence. If active nests are found the vegetation must be protected by a 5m buffer and retained until the chicks have fledged.

Provided the amendments suggested above are made I can withdraw my objection.

Note:- recommended conditions 3, 7 and 8 address the above points.

- 6.7.7 **Southern Water** – Any new connection to the public sewer would require a formal application to Southern Water. Suggest a note to applicant to advise of this.

## 7. **Planning Consideration Key Issues**

- 7.1 When considering applications for travelling showpeople sites, the national Planning Policy for Traveller Sites requires regard to be had to the following:
- a) the existing level of local provision and need for sites;
  - b) the availability (or lack) of alternative accommodation for the applicants;
  - c) other personal circumstances of the applicant;
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
  - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 7.2 The Policy goes onto confirm that Council's should identify a supply of sites to meet the identified need and where an adequate supply cannot be found, this forms a significant material planning consideration.
- 7.3 The above issues need to be considered, with the adopted Development Plan, as a whole, also having regard to the visual effect on the Strategic Gap and character of the area, the impact on residential amenity together with highway safety.
- 7.4 The 'saved' Southampton Local Plan identifies the site as being within Southampton/Eastleigh Strategic Gap. The purpose of the Gap is to provide an open buffer between Southampton and neighbouring settlements, to maintain the distinct characters of these settlements. Core Strategy Policy CS21 sets out that the Council will work with Eastleigh Borough Council to protect the Strategic Gaps from development to maintain the open character. Core Strategy Policy CS17 specifically relates to the accommodation for travelling showpeople and confirms the Council's commitment to providing sufficient sites to meet local need and requires such applications to be assessed in terms of other material planning considerations including impact on residential amenity, highways and landscape.
- 7.5 In terms of need and the availability of sites, the Southampton Gypsy, Traveller and Travelling Show People Accommodation Assessment (GTTAA) was completed on behalf of Southampton City Council and Eastleigh Borough Council in December 2014. This assesses there is a need for 7 travelling show people's plots in Southampton / Eastleigh over the period to 2029, including 2 to relieve overcrowding at Candy Lane, Thornhill, Southampton. Southampton and Eastleigh Councils have had ongoing discussions regarding the provision of a site for travelling show people. The draft Eastleigh Local Plan identified a site at Netley Firs which can accommodate approximately 8 pitches. This site is currently not allocated in the adopted Eastleigh Development Plan for use by Travelling Showpeople. The Netley Firs site is currently being marketed by the



landowner for employment uses and the applicant has submitted correspondence from its owner outlining that it is not available for travelling showpersons use at this time.

- 7.6 Having regard to the constrained, urban nature of Southampton, at this point in time, there are no other available sites to meet the identified need. This unmet need forms an important material planning consideration.
- 7.7 As noted, the application site lies within the Eastleigh/Southampton Strategic Gap, although is not subject to a particular protected landscape designation. Whilst the application proposes the siting of equipment and vehicles, permanent development is limited to hardstanding and boundary treatment. This is an important consideration, the effect of which is considered to maintain the long-term integrity of the Gap. Planning policies encourage the use of landscape screening in such circumstances to limit the impact on the verdant character of the gap. The application proposes an appreciable set back of the main storage areas from Botley Road and enhanced tree and shrub planting along this edge. It is possible to secure planting, such as instant hedging, that would have an immediate effect on the landscape character of the site. This would limit the impact of the use on the character of the Gap. Open fields would be retained to east of the use which also mitigates the impact on the open character of the area and ensure that the use does not dominate adjacent communities.
- 7.8 In terms of the effect on residential amenity, the key issue is the potential for noise and disturbance from the use on nearby residents and in particular from arrivals and departures. As set out above, the site is mostly used during the winter period, outside of travelling season. Once the large vehicles and rides arrive at the site, in general, they do not regularly come and go but are stored until travelling season commences again in the spring. A planning condition can be imposed to ensure that the arrivals and departures of large vehicles do not take place in unneighbourly hours to minimise the impact on neighbouring residents. Furthermore, it is proposed that a significant buffer would be provided between the storage areas and the boundary with Botley Road, which would achieve a separation of between 39 and 42 metres to the nearest residential properties. It is considered that this would limit disturbance to neighbours. In addition to this, it is also recommended that conditions be imposed to securing details of generators in order to restrict the noise limit that can be emitted from such equipment. As noted above, the application does not include maintenance of equipment or vehicles to take place on the site and planning conditions can further restrict this type of activity.
- 7.9 In terms of Highway impacts, the movement of large vehicles and equipment onto and off of the site is generally limited to the end and start of travelling season. The site is located adjacent to a main arterial route for the city, meaning access to the strategic road network is good. The existing access into the site is established (having existing for a period of more than 4 years) and since it is located directly onto the Botley Road/Bursledon Road junction, is poor. The new access, by contrast, would benefit from adequate sight lines and is designed specifically to accommodate the large vehicles that would enter and leave the site.
- 7.10 Access gates would be inset from Botley Road to enable the largest vehicle to fully pull-off of the road when arriving. A planning condition can be imposed to

secure a management plan to control the arrivals and departures of large vehicles into and out of the site to minimise the disruption to the through-traffic on Botley Road. As such, the Council's Highway Team have not objected to the application and the proposal is considered to be acceptable in this respect.

## **8. Summary and the Planning Balance**

- 8.1 The nature of the requirements for travelling showpeople means that suitable sites are not readily available within a constrained urban area such as Southampton. This is particularly due to the need for relatively large, open and undeveloped sites that are located near key routes. Nonetheless, a need exists for sites of this nature and the planning system must identify and deliver sites to meet this need. There is an identified need in the city for additional accommodation for travelling showpeople and there are currently no other sites available to meet this need.
- 8.2 The site is within the Strategic Gap, and so protected from development. However, it is not subject to any special landscape designation, specified in National Policy, which precludes the use by travelling showpeople, where there is an identified need. The site benefits from existing boundary vegetation which screens the site from key public vantage points and this screening can be enhanced to further mitigate the visual effect. The buffer between the useable areas of the site and the boundary with Botley Road, is an important factor (when compared with the unauthorised situation) that further mitigates the visual effect of the proposal, as well as limiting the level of development that could be accommodated on the site.
- 8.3 The new access arrangements would represent an improvement in highway safety terms and the effect of the new access on trees and wildlife is minimised and can also be adequately mitigated. Whilst the access would bring vehicle movements closer to residential properties, arrivals and departures to and from the site would be infrequent and the timings can be controlled by condition to avoid undue noise and disturbance.
- 8.4 Whilst the breach of planning control is now a material consideration, it does not over-ride other considerations which include national and local adopted planning policy. A number of planning conditions can be imposed to manage the operation of the use and breaches of planning conditions can be prosecuted without the opportunity to appeal.
- 8.5 As such, the amendments to the site layout and access, combined with the controls available to the Council through planning conditions, on balance it is considered that at this point in time, the site is needed and appropriate to accommodate the use proposed and accords with the policies of the Development Plan, when considered as a whole.
- 8.6 Since the availability of alternative sites is a moving picture and will be investigated further through the Southampton and Eastleigh Local Plan process, it is considered prudent to grant a temporary planning permission until late 2017 when the Eastleigh and Southampton Local Plans are due to be adopted. At this time, the need and availability can be reviewed based on the up-to-date evidence, particularly in terms of whether a more suitable alternative can be identified.

## 9. Conclusion

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

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

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

JT for 08/12/15 PROW Panel

#### PLANNING CONDITIONS

##### **01. APPROVAL CONDITION - Temporary Time Consent**

The use hereby approved shall cease on 1<sup>st</sup> November 2017 and within three months the land reinstated to its former condition.

Reason: The use is approved since at the point of permission, there is an identified need for a travelling showpersons site with no available alternative sites. However, the site lies within the Eastleigh/Southampton Strategic Gap, the permanent retention should be assessed having regard to the review of the Southampton and Eastleigh Local Plans.

##### **02. APPROVAL CONDITION – Implementation of Access**

Within three months of the date of this permission, a timetable for the implementation of the new access hereby approved and the closure of the existing access shall be submitted to the Local Planning Authority for approval in writing, together with details for the final position of the access gates into the site. The works shall be carried out in accordance with the agreed timetable approved details and thereafter retained whilst the site is in use as a site for travelling showpeople.

Reason: In the interests of highway safety

##### **03. APPROVAL CONDITION – Landscaping**

Within three months of the date of this permission, revised landscaping details, maintenance details and an implementation timetable shall be submitted to the Local Planning Authority for approval in writing. The revised details shall include specification of the materials to be used for the new access and main storage areas, new planting adjacent to the new access and the inclusion of Gorse (*Ulex europous*) and instant hedging in the planting schedule. The landscaping shall be implemented in accordance with the agreed details and timetable.

Reason: To provide adequate landscape screening of the site in the interests of the visual amenity of the area.

##### **04. APPROVAL CONDITION – Management Plan for Arrivals and Departures**

Within three months of the date of this permission, a Management Plan shall be submitted to and approved by the Local Planning Authority in writing which addresses how the arrivals and departures of Heavy Good Vehicles and Articulated Lorries to and from the site will be managed. The plan will include the timing and routeing of vehicles to avoid peak times. For the avoidance of doubt no Heavy Goods Vehicles or Articulated Lorries shall arrive at or depart from the site outside the hours of The Management Plan will be adhered to whilst the approved use is in operation.

Reason: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

**05. APPROVAL CONDITION – Foul and Surface Water Disposal**

Within three months of the date of this permission, details of the method for foul and surface water disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall thereafter be implemented in accordance with a timeframe to be approved in writing by the Local Planning Authority and thereafter retained whilst the use is in operation.

Reason: To ensure a satisfactory form of development.

**06. APPROVAL CONDITION – Noise Mitigation Measures**

Within three months of the date of this permission, details of noise attenuation measures for any external plant/equipment or generators shall be submitted to and approved by the Local Planning Authority in Writing. The measures shall be implemented as approved in accordance with a timeframe to be agreed in writing by the Local Planning Authority and no other plant/equipment or generators shall be used other than approved.

Reason: To minimise noise and disturbance to nearby residential occupiers.

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

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

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

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

No development, including site works of any description, shall take place on the site unless and until all the existing bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems of 5 metres or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised or lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed.

Reason: To ensure the retention and maintenance of vegetation which is an important feature of the area.



**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as Amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**ISSUED BY: SOUTHAMPTON CITY COUNCIL**

**1 THIS NOTICE** is issued by the Council, because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and other material planning considerations.

**2 THE LAND TO WHICH THE NOTICE RELATES**

Land at The Old Fairground, Botley Road, Southampton, shown edged red on the attached plan ("the Land").

**3 THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, change of use of the Land from agriculture to a mixed use consisting of; Residential use in caravans, storage of caravans, storage of vehicles, storage of fairground rides and equipment.

**4 REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The owner of the site has failed to demonstrate that there are no other available and deliverable sites to accommodate the requirements of the travelling show people that would justify allowing development within the strategic gap. The nature, scale and permanence of the development would erode the function of the gap and be detrimental to the visual character and amenities of the area. This would be contrary to Policies CS17 and CS21 of the Southampton City Council Local Development Framework Core Strategy 2010.

The location of the site is in close proximity to residential properties fronting Botley Road. The nature, scale and permanence of the use would introduce a level of activity, noise and disturbance which would be detrimental to the quality of the visual and quiet amenity currently enjoyed by the occupiers of those properties, contrary to Policy SDP1 of the City of Southampton Local Plan Review 2006 and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

The position and layout of the existing access on this busy junction is wholly unsuited for the increase in volume and size of vehicles that would be accessing and exiting the site throughout the year. The lack of sightlines, failure to accommodate areas for vehicles to

wait without obstructing the highway, and the layout of the surrounding road network will result in an increased potential for collisions and be detrimental to highway safety. This is therefore contrary to Policy T12 of the City of Southampton Local Plan Review and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

**5 WHAT YOU ARE REQUIRED TO DO**

- i) Cease using the land for residential purposes;
- ii) Cease using the land for the storage of caravans;
- iii) Cease using the land for the storage of vehicles;
- iv) Cease using the land for the storage of fairground and other equipment that is not used for the purpose of maintaining the land for its authorised purpose.

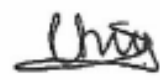
**6 THE TIME FOR COMPLIANCE**

6 months after this Notice takes effect.

**7 WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 28<sup>th</sup> May 2015, unless an Appeal is made against it beforehand.

Dated: 27<sup>th</sup> April 2015



Signed.... ..

Head of Legal & Democratic Services  
**Southampton and Fareham Legal  
Services Partnership**  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS17	Gypsy and Traveller Accommodation and Accommodation for Travelling Showpeople
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
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
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
H3	Special Housing Need
TI2	Vehicular Access

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**PLANNING POLICY COMMENTS**

**APPLICATION No:** 15/01775/FUL  
**ADDRESS:** The Old Fair Ground Junction of Botley Road/ Bursledon Road  
Southampton  
**PROPOSAL:** Subdivision of land to form two plots for use by travelling show people including storage for vehicles, up to 12 caravans and associated equipment

Summary

The relevant policies are set out in Government guidance and the Council's development plan. In terms of the overall principle, there are three main policy issues:

- Meeting the needs of travelling show people, who run fun fairs which provide leisure facilities and add vitality to towns across the area.
- Protecting the gap between Southampton and Bursledon to maintain the distinct identity of both settlements.
- Protecting the amenity of existing residents.

This site is in a narrow and sensitive part of the strategic gap. The proposal involves the storage of large equipment. There is a need for the development and at present there are no clearly available alternative sites for it. The proposal involves intensive use for only part of the year and a relatively contained intrusion in to the gap. There continues to be a policy objection to an earlier planning application which is considered unacceptable in terms of layout and design. This is a revised planning application which has sought to address some of the concerns from that earlier proposal: moving the vehicle storage areas further away from existing residential properties; strengthening the Botley Road landscaping buffer and re-siting the highway access. The landscape treatment to the strategic gap needs to be considerably strengthened; and conditions / management plan put in place to control the site. Furthermore, given the sensitivity of the strategic gap at this point a consent should only be granted on a temporary basis to give time to see whether an alternative site can be identified through the Eastleigh Local Plan review. Provided these measures and controls are put in place there is no policy objection for this revised proposal. Support for development on this site only applies on balance to this specific type of proposal for a temporary period, given the particular and immediate needs set out. This also enables the Council to maintain effective control of the operation.

Southampton Adopted Development Plan

The Core Strategy (2010) policy CS17 explains that the Council will identify sufficient sites to meet the needs of travelling show people, and sets criteria against which such sites should be considered on a temporary or permanent basis. In summary, these include the amenity of nearby residents / positioning / minimising tensions; access / traffic / parking; access to utilities / facilities; landscaping / nature conservation interests; and flood risk / contamination.

The text explains that sites will be allocated in the Sites and Policies DPD; the Council will carry out a survey of potential sites and if necessary consider joint provision with an adjoining authority. The need is identified in the Travelling Show People Accommodation Assessment (2008).

(Note: The Sites and Policies DPD was not pursued. The Council is now in the very early stages of preparing a new Local Plan and this will not be adopted until 2018).



Policy CS21 broadly defines the area as a strategic gap to maintain the separation between Southampton and Bursledon. The supporting text indicates this is to avoid development which might damage its open, undeveloped, countryside nature. The 2006 Local Plan proposals map is saved and defines the specific site as part of the strategic gap.

### Government Policy

The Government's Planning Policy for Traveller Sites (2015) also covers travelling show people, treating them as a distinct and separate group. Some key points to consider include:

The policy should be read in conjunction with the NPPF (para 1)

Planning authorities should assess need (para 4)

Reducing the number of unauthorised sites; making enforcement more effective; and increasing the number of traveller sites in appropriate locations (para 4, 13)

Enabling access to education / health / other facilities (para 4, 13)

Protecting local amenity / environment; co-existing with existing communities (para 4, 10, 11, 13)

Local Plans should identify specific deliverable sites for 5 years of supply (para 9, 10)

Local Plans should have criteria based policies for planning applications which come forward (para 11, 24)

Having regard to the needs of travelling show people for mixed use yards / residential / storage of equipment (para 19)

Assessing applications in accordance with the presumption in favour of sustainable development (para 23)

Considering the existing level of local provision and need and the availability or otherwise of alternative accommodation and other personal circumstances of the applicant (para 24)

Limiting new sites in open countryside away from existing settlements or allocations (para 25);

Using previously developed / untidy land (para 26);

The use of landscaping, and play areas for children (para 26);

If a 5 year land supply cannot be demonstrated, this should be a significant material consideration in the grant of temporary permission (para 27);

Use of planning conditions (eg location of business operations, non. of days of occupancy, etc) (para 28).

### Consideration

The site is used by travelling show people without planning permission. They run fairs in the local area.

The Travelling Show People Accommodation Assessment (2008) suggests a need for 13 sites across 'Hampshire' (including the cities and IoW).

However an updated assessment (2014) has been completed for Southampton / Eastleigh Councils by an independent consultant. This indicates a need for additional plots for travelling show people as follows:

-2 plots to relieve overcrowding at the Candy Lane site in Thornhill, Southampton

-3 plots to meet the needs of travelling show people living on unauthorised sites in the wider area outside Southampton / Eastleigh.

-2 plot to meet the growth in households from all the above over the next 15 years.

This totals 7 plots, although at least 3 relate to needs emerging from unauthorised sites beyond Southampton / Eastleigh.

The study nevertheless identifies a clear and immediate need for at least 2 plots to be met

in the area, relating to the overcrowding at the Candy Lane site in Southampton. This application is directly related to addressing that need.

There are very limited alternative suitable options to identify deliverable sites within the urban area of Southampton.

Eastleigh Council were preparing a Local Plan to cover the period to 2029. This Plan had allocated a site for travelling show people at Netley Firs for 8 plots. On the face of it this could have met all the identified needs. At the time the last planning application was submitted at Botley Road, Eastleigh Council were still progressing their Plan. Since then the Plan has proceeded to the first stages of examination. In his preliminary comments the Inspector explained that the alternative Netley Firs allocation could only be supported if it is available / deliverable, which will depend on the intentions of the new owner. The owner is currently stating that they have no intention of releasing the land for a travelling show people's site. As a result of the preliminary examination (and primarily due to other matters) Eastleigh Council have withdrawn their Local Plan and are only at the very early stages of preparing a new Plan. Therefore since the last planning application at Botley Road, it has become clearer that in the immediate term the Netley Firs site is neither allocated nor available; which is a significant factor. However whilst at present the medium to longer term availability of sites in Eastleigh Borough is unclear this will be clarified over time. Eastleigh have commenced a new Local Plan review which will consider sites to meet needs; the intentions of the Netley Firs owner may change over time (for example if they are unsuccessful in getting an allocation for more general employment); or another deliverable site may be identified.

To summarise, there is an established and immediate need and at present there is a lack of an alternative identified deliverable site. This is an important consideration although it does not in itself mean the Council should permit a proposal on a completely inappropriate site or with an inappropriate design / layout. The Government / Core Strategy policy sets criteria against which applications should be considered on sites as they come forward. Any planning application should be considered on the balance of the need and the suitability of the site and proposal. Furthermore it should be noted that an alternative site could emerge in the future.

The application site is located close to the urban area / facilities. It is also in the applicant's ownership so is clearly deliverable. The site currently consists of mixed gravelled areas / grass / scrub land.

The site lies in the Southampton – Bursledon gap which is relatively narrow at this point, just over 0.6km along Bursledon Road. It should also be noted that Eastleigh have received a planning application for general residential development on the other side of the gap which if permitted would narrow the sense of the gap along Bursledon Road further. This is a main route in and out of the city so this part of the gap is important in forming perceptions of the distinct identities of Southampton and Bursledon. The site is adjacent to this road, albeit partially screened by a hedge line which runs along Bursledon Road. In addition Botley Road and its hedge line form a clear edge to Southampton in relation to this gap, and this proposal extends beyond this clearly defined edge. The proposal would involve the storage of fairground equipment primarily during the winter, and caravans for living accommodation. The existing deciduous hedge lines would only partially screen the proposal in the winter.

Whilst the proposal is in a particularly sensitive part of the strategic gap, there are some mitigating circumstances. The proposal extends no further into the gap than buildings to

the south, and tapers away so that there is no narrowing of the gap along the main Bursledon Road, from which most people will perceive the gap. Nevertheless by breaching the Botley Road boundary closer to Bursledon Road, there is still the potential for the perception of the gap to be narrowed. The current proposal only shows limited landscaping on the boundary to the strategic gap. However there is the scope for the proposal to strengthen this landscaping, providing a substantial (ie 10 metre width) buffer similar to that proposed on Botley Road.

Given the sensitivities of the gap in this location, I consider that the Netley Firs site is in a less sensitive part of the gap and on balance would have been a better location for the proposal had it been deliverable. Indeed it would still be a better location should it become deliverable in the future; or it is possible that an alternative as yet unidentified site in Eastleigh could be found in a better location.

Given the immediate need for this specific type of development; the lack of alternative deliverable sites in the short term; and the mitigating factors outlined above; there is a policy case for considering this proposal within the strategic gap. However given the sensitive nature of the strategic gap and the potential for alternative more suitable sites to become available in the medium term; it is important in policy terms that a permission on this site is granted on a temporary basis. The National guidance (para. 27) supports the grant of temporary permissions where there is an immediate shortfall to be met (eg lack of 5 year supply). It is also critical that the landscape buffer to the strategic gap is strengthened; and the site is conditioned to restrict it to use by the travelling show people to which the need relates. If this can be achieved there would be no policy objection in terms of the strategic gap.

The proposal is close to existing residential properties. Therefore it needs to be clear that the relationship with these properties is managed appropriately. In this context it is noted that since the last planning application, the applicant is proposing to:

- Locate the storage of equipment, etc, to the rear of the site further away from residents. The nearest part of proposed hardstanding is now about 24 metres from the Botley Road frontage and over 50 metres from the nearest residential property.
- Considerably strengthen the landscaping along Botley Road with the aim to substantially screen the proposal from the residential properties – expanding the existing tree / hedge line to a landscape buffer of 10 metre width.
- Relocate the access to a safe point (whilst noting that as a result this is inevitably now closer to residential properties).

These changes start to manage the impact on residential amenity. However to fully address the issue of residential amenity; and to make the development appropriate in terms of the strategic gap; the proposals need to be complemented by conditions and a management plan to:

- Ensure the site is only used by travelling show people associated with the running of fairs;
- Grant planning permission on a temporary basis;
- Make the permission personal to the family members to which the need relates, and

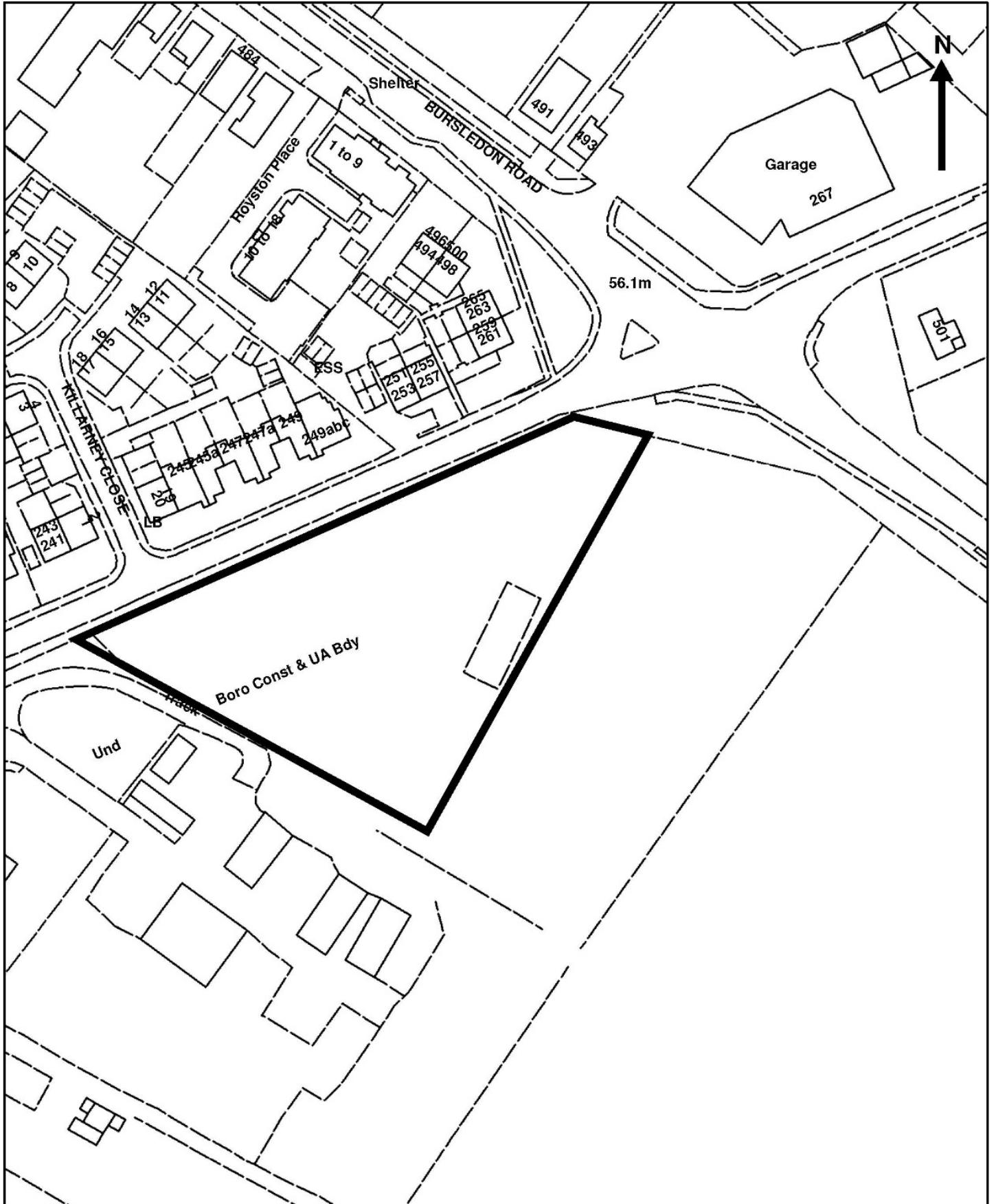
to restore the site to grassland should this cease.

- Control the number of plots / buildings and siting of hardstanding to that indicated in the planning application, ensure vehicles are only parked on the hardstanding, and ensure any of the areas not indicated as hardstanding but which are currently such or gravelled are returned to grassland.
- Ensure the provision / maintenance of an appropriate and substantial landscape buffer / boundary treatment, including a 10 metre width buffer and further detail specified as appropriate to ensure the proposal is as substantially and appropriately screened as possible, both:
  - along Botley Road as indicated; and
  - along the boundary with the wider strategic gap (substantially strengthening the landscaping as currently indicated).
- Control the timings and management of access by heavy goods vehicles;
- Ensure no significant on site maintenance of vehicles / machinery.

### Conclusion

There continues to be a policy objection to the last planning application. Given the changes since the last planning application, the policy objections can now be overcome by the additional conditions / management plan stated above. However if these matters are not addressed a policy objection remains in place.

These comments apply both to the planning application to be determined by the City Council; and the comments this Council should make to the planning application received by Eastleigh Council.



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# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) - 8 December 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 68-76 and 80-84 Portswood Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site to provide 71 student flats (10 x one bedroom, 45 x two bedroom and 16 x three bedroom) in 3, 4 and 5 -storey buildings with associated facilities and an office/commercial unit with parking and storage			
<b>Application number</b>	14/02045/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	13.03.2015 (MAJOR) Extended 25.01.2016	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Referral by Ward Member or five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Claisse Cllr Norris Cllr O'Neill
<b>Referred by:</b>	Cllr Claisse	<b>Reason:</b>	Density, Congestion and lack of parking

<b>Applicant:</b> Glendale Estates	<b>Agent:</b> Studio Four Architects
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations as detailed in the report to the Planning & Rights of Way Panel on 8 December 2015 have been considered including the impact on neighbouring properties, character of the area and parking provision. Any impacts on local Special Protection Areas have been adequately screened and mitigated where necessary. The impacts of the scheme are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS4, CS6, CS6, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the Core Strategy (2015) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, HE6, CLT1, H1, H2, H7, H13, H14 and TI2 of the adopted City of Southampton Local Plan

Review (Amended 2015), Supplementary Planning Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

<b>Appendix attached</b>	
1. Habitats Regulation Assessment	2. Development Plan Policies

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (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. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time higher education be permitted to occupy the development and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v).
  - iii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
  - iv. Submission and implementation of a Waste Management Plan.
  - v. Submission and implementation of a Travel Plan.
  - vi. 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).
  - vii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - viii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - ix. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No occupiers, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.



- x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.
- xi. 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).

In the event that the legal agreement is not completed by 25.01.2016 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. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

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

- 1.1 The application site comprises a series of two and three storey terraced buildings which front Portswood Road, the site is 'u' shaped in layout. The properties are a mixture of commercial uses, predominantly offices. There is a large tarmac frontage which is used for car parking. To the rear of the site are single-storey warehouse units which are vacant. There is a change in levels between the front and the rear of the site, with the land sloping down from the front of the site towards the rear boundary. There is an existing vehicular access to the side of 68 Portswood Road. Beyond the rear site boundary is an overgrown access way. The access way is unmade, however, properties along Portswood Road and Shakespeare Avenue have historically had access rights to use this route. The site is in relatively poor condition, particularly at the rear of the site where the warehouse buildings have a dilapidated appearance.
- 1.2 The site is neighboured to the south by two-storey residential properties and beyond the rear site boundary are the two-storey residential terraced properties of Shakespeare Avenue. To the north of the site is a mosque building which contains residential accommodation on the upper floors. The surrounding area is mixed in character. The site lies broadly opposite the recently built four storey flatted development at 81-97 Portswood Road (formerly Wickes now known as Fullerton Place). This scheme has a residential density of 142 dwellings per hectare (dph). The site is a short walk northwards to the defined Portswood District Centre and its associated services and public transport links, and is accessible to the University of Southampton by all modes of travel.

## **2.0 Proposal**

- 2.1 The application seeks full planning permission to redevelop the site to provide purpose-built student accommodation, with the exception of the existing residential building at 78 Portswood Road (which is not in the applicant's ownership). This application follows previous applications for redevelopment,

which is material to the decision making process. Following concerns raised by officers regarding the scale, mass and design of the current buildings, the scheme has been amended since originally submitted. In particular, the height of the scheme fronting Shakespeare Avenue has been reduced and the footprint of the buildings has been broken up provide three distinct elements. A re-notification of these amendments has taken place.

- 2.2 The accommodation comprises three blocks of accommodation arranged around a central shared courtyard area. A mix of student accommodation is provided comprising 10 no.1-bedroom flats 45no.2 and 16no.3-bedroom flats (100 study bedrooms). The residential density proposed is 169dph for this 0.42 hectare site.
- 2.3 **Block A (WEST)** fronts Portswood Road and provides a corner feature to a height of five storeys with the lesser fifth level recessed. This block is the main entrance for the development and is where the communal facilities are found. Within the lower ground to this level there are 7 car parking spaces (two of which are for disabled drivers) and refuse and cycle storage. These parking spaces are not for the student occupants. At street level there is the main entrance to the residential accommodation, an A2 (Financial and professional services) office unit, common room and laundry with three residential units to the rear. To the rear within the ramp to the lower ground parking spaces are a further five surface spaces to be used only for student arrival and departure, these will be controlled by drop down bollards. On the rest of the levels there are a mix of one-bed, two-bed and three-bed units. There are 10 no. 1-bed units, 8 no. 2-bed units and 7 no. 3-bed units proposed in this block. Recessed balconies and terraced areas are provided to the front elevation on all floors and at roof level to the rear.
- 2.4 **Block A (EAST)** is a part three storey (second floor in the roof) and four storey building solely with residential accommodation comprising of two and three bed units. This block is to the rear of the site and faces into the private courtyard and onto the rear of property fronting Shakespeare Avenue and has been kept to a two and half storey building. However, adjacent to Kingdom Hall the building rises to four storey. There are 29 no. 2-bed units and 9 no. 3-bed units proposed in this block. Once again recessed balconies are proposed on the front elevation and to the rear.
- 2.5 **Block B** fronts Portswood Road and is separated by block A (West) by 78 Portswood Road, which is not part of the application site. It is a four and half storey building and the lower ground floor is built into the ground due to the level changes on site. It lies adjacent to a site that was given approval in 2013 for a four storey mixed use development at 88-94 Portswood Road. 8 no. 2-bed units are proposed in this block together with cycle and refuse storage at the upper ground floor level.
- 2.6 The shared courtyard area can be accessed by all the units and directly from the ground floor units of each of the three blocks. The car parking is accessed via Portswood Road down an access way to the side of 66 Portswood Road. The access way is a shared for both pedestrians and vehicles and allows pedestrian access to the block A (East) and the communal landscaped areas. The parking spaces proposed and access to them would be controlled and used for the commercial unit at lower ground floor level and the surface level spaces would be managed to control their use.

- 2.7 Trees are proposed along the frontage of the site to soften the appearance of the development. In addition, there are two main areas of communal landscaping. The central courtyard area which provides access and seating areas for the students to use. To the rear fronting Shakespeare Avenue is another landscaped area which provides seating and screening in the form of a line trees between the site and the access way to the rear which seeks to demark the boundary.
- 2.8 The materials proposed for this development would provide a mixed palette with white render with coloured render recesses, buff facing brick and grey cladding panels to add interest and articulation to the elevations. Grey aluminium windows and doors are proposed to continue the colour scheme.

### **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 2**.
- 3.2 The site is identified for some 47 dwellings in the Strategic Housing Land Availability Assessment (SHLAA), which is a document that considers sites with the potential to deliver residential development during the plan period. The document looks for potential sites but does not allocate specific sites for housing. It is however a material consideration in the determination of this application as the site is earmarked for potential redevelopment. Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4 Relevant Planning History**

- 4.1 There have been a number of previous applications for the separate units on the site, the most relevant of which was recommended to Panel for approval in June 2011. This scheme was for the demolition of the existing buildings and erection of three x 4-storey buildings to provide 43 flats (18 x 1-bed, 22 x 2-bed and 3x 3-bed) and 9 x 3-storey houses (2 x 2-bed, 3 x 3-bed and 4 x 4-bed) and a commercial unit (Class A2) with associated access, parking and landscaping (LPA ref: 11/00393/FUL). Although the favourable recommendation was supported by the Panel the decision was never issued due to the failure to complete the Section 106 legal agreement, and the application was subsequently withdrawn by the Council. A comparison of the two schemes is set out in the Planning Considerations of this report and will form part of the officer’s presentation to Panel. This decision, although never issued, should be afforded material weight in the decision making process.
- 4.2 An application on the neighbouring site at 88-94 Portswood Road was also supported by the same Panel (LPA ref:11/00313/FUL). This permission relates to

the redevelop the site to provide 7 flats (1x3-bed, 1x4-bed and 5 x 5 bed), with 2 ground floor lettings agents (Use Class A2) and 2x5-bed houses in three and four storey buildings following demolition of the existing buildings. Part of the development has been completed and the two dwelling units to the rear are now in situ. The rest of the development, which comprises a flatted development would be four storey on the frontage of Portswood Road, would be a continuation of the streetscene.

## **5 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (19.12.2014) and erecting a site notice (07.08.2015 and 19.12.2014 following amendments). At the time of writing the report **27 objections** have been received from surrounding residents and interested parties which includes representations from Ward Councillor Claisse, the Highfield Residents Association, Outer Avenue Residents Association and Portswood Central Residents Association. The following is a summary of the points raised:

5.2 *The proposal is designed with insufficient car parking. The development would therefore lead to overspill car parking on the surrounding streets exacerbating existing parking pressures experienced by residents.*

### **Response**

The proposed car parking spaces at the lower ground floor are not for the students to use but for staff of the A2 office unit. The 5 surface spaces would only be used during arrival and departure at the beginning and end of the academic year. Portswood Road is protected by double yellow lines along one side but there are unrestricted streets in the locality. The nearest controlled parking zone affects Brookvale Road to the north. Whilst it is acknowledged that some students will bring their cars to University this number is likely to be small and if restrictions from parking on site are imposed it becomes a less attractive option. As part of the section 106 agreement, future occupants of the development would be restricted from obtaining parking permits in nearby (and future) controlled roads. As such, the development is unlikely to result in significant overspill car parking on the surrounding streets. Similarly the recent approval for 43 flats was served by 13 parking spaces, which also met our adopted parking standards and acknowledges the site's sustainable location close to a defined district centre.

5.3 *The height of the proposed houses would result in a loss of privacy to the occupants in Shakespeare Avenue.*

### **Response**

As stated in section 2 of this report the scheme has been reduced to two and half storeys to reduce the impact on the properties on Shakespeare Avenue. The third level of accommodation is fully contained within the roof space, meaning that the properties would have a two-storey height. A condition is suggested to ensure that the rear-facing roof lights have a cill height of no less than 1.7 metres from the internal floor level which will prevent overlooking from these elevated windows. The proposed building heights are comparable with the recently approved scheme.

5.4 *Portswood already has an excessive student population which has an impact on existing residents in terms of noise and disturbance as well as the mix and*

*balance of the character of the area. The proposal will exacerbate these impacts significantly. New student accommodation should be dispersed more widely throughout the city and not concentrated within the Portswood and Highfield Areas.*

**Response**

The evidence submitted with this application does not support the contention that there is now over-provision of student accommodation across the city. Any strategic review of the location for student accommodation across the city will have to await the review of the Local Plan. There has been a significant increase in the amount of purpose built private sector student accommodation proposed in the last few years, much of which has not yet been completed. It is therefore too early to properly assess what impact this might have on the existing HMO stock. Research carried out as part of other proposals show that the two universities together have an overall capacity of some 32,000 full-time students whereas the purpose built accommodation is only approximately 8,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need.

A list of other student schemes approved along Portswood Road is set out in the Planning Considerations of this report. Saved policy H13 of the Local Plan Review guides the location of student accommodation to locations that are easily accessible to the educational establishments by foot, cycle or public transport. It states that development by private sector providers will only be permitted where suitably located and where an assessment of need has been adequately presented. Currently, it is recognised that Since the site is 20 minutes walking distance of both the University of Southampton and Solent University and accessible to the Uni Link Bus stops, the proposal would fulfil this aim. As the site lies within five a minute walk from the District Centre, with its shops and facilities and public transport links to the city centre, occupiers can avoid quieter residential streets on their return from a night out. The site will have on-site management for the student population, which should assist in any direct local impacts.

- 5.5 *Concern with the practicality of drop-off and collection arrangements for new students and that insufficient car parking on site will result in further on-street car parking pressures within the vicinity of the site.*

**Response**

The application is supported by a Student Intake Management Plan which sets out how the arrivals and departures of students will be managed. On site parking is proposed to deal with this event. The implementation of this management plan is proposed to be secured through the section 106 legal agreement (see recommendation 2x above).

- 5.6 *The amount of accommodation proposed is excessive both in terms of the cramped nature and the height of the proposed building.*

**Response**

Core Strategy Policy CS5 supports high density development in the most accessible locations of the City, which includes District Centre locations. Furthermore, saved Local Plan Policy SDP9 supports the location of taller buildings in and adjacent to District Centres. As noted above, the site has excellent sustainable transport links to the University and City Centre, as well as direct access to the facilities within the District Centre. The development of the

site to provide a significant amount of student accommodation is, therefore, considered to be appropriate. The height of the building is similar in height to the development opposite at 81-97 Portswood Road, albeit there is a recessed fifth level that would not be visible from the street scene.

5.7 *Concern with the lack on on-site management.*

**Response**

The application submission sets out that there would be on-site management of the accommodation and the applicants also propose to sign up to the Southampton Accreditation Scheme for Student Housing (SASH) or similar. This is proposed to be secured through the section 106 legal agreement.

5.8 *Concern with the impact of the proposal on local drainage.*

**Response**

Southern Water have not objected to the application and planning conditions are recommended to secure adequate drainage for the development.

5.9 *The building out-of-character with the area.*

**Response**

The existing buildings on-site do not add to the streetscene and there is no uniform character to the area. It is noted there are attractive dwellings within the vicinity but the design, albeit modern, would not detract and would be a betterment to what is currently on site. The materials suggested indicate that a high-quality finish to the building would be achieved and, as such, the scheme is considered to be appropriate. Following the receipt of amended plans the Council's Design Officer is supportive of the proposals on this basis.

**Consultation Responses**

5.10 **SCC Highways – No objection**

Subject to securing a refuse management plan and student intake management plan. Conditions securing refuse storage and the setting out of parking areas are suggested. The proposed development is acceptable in highways terms. It provides for student arrival and departure times with 5 parking spaces which can otherwise be blocked off with bollards. There is parking below the building also, for the office use, two parking spaces are designated for disabled use, and the remainder for general use. The proposal is acceptable for student occupation, whilst it would be difficult to accept such a proposal if it were for normal residential use, due to the lack of on-site parking.

Vehicular access into the site has been provided at the southern end of the site, adjacent to the boundary with 66 Portswood Road. Forward visibility sight lines at this point are adequate for both pedestrians and vehicles/cycles on the carriageway. Pedestrians are guided to this entrance for the majority of the development with the exception of Block B and Block A West, these blocks are accessed from Portswood Road directly.

The refuse vehicle has been designed into the scheme, whereby refuse will be collected from the bin store adjacent to the car parking spaces. Although glass bins are shown within the bin store, the preference may be for a glass pod to be provided on a hard landscaped area within the site, and adjacent to a standing point for a vehicle to make the collection. Cycle storage has been shown as 50% provision, which is acceptable, some visitor cycle provision is shown just forward

of the building Block A West, adjacent to the site access.

A student intake management plan has been submitted and will be secured via the S106 legal agreement as it is required to set out how the site can accommodate the arrival of the students over the short intake period, and how time slots will be given to future residents of the scheme to ensure that there is adequate space for all students to be adequately moved in to their accommodation. Within the documentation sent to the future occupiers they must be advised of the lack of parking at the site, and that it would be inappropriate for them to bring a car with them whilst living at this accommodation.

A refuse management plan has been provided and will be secured via the section 106 legal agreement. This sets out how refuse will be managed within the site including setting out areas for large goods.

**5.11 SCC Heritage and Conservation - No objection**

Subject to conditions. There is a potential for archaeology to survive on the site. A phased programme of archaeological works should be undertaken prior to development commencing.

The site lies immediately adjacent to Local Area of Archaeological Importance 6B (Portwood Park), an area defined as having high archaeological importance. The archaeology of this area includes Romano-British burials and settlement activity of the same date, including the fording point across the Itchen to the Romano-British town in the area around Bitterne Manor. There is also medieval ribbon development in the area. Recent work immediately across the road from the site (on the site of the former Wickes building) has uncovered archaeology dating to a number of periods, including evidence of significant Romano-British activity. This suggests that the known Romano-British activity to the south and east of the development site continues into the development area. In addition, there is the potential for 20th century industrial archaeology to exist, as there was a bakery on the site which first appears on the 1946 Ordnance Survey map.

As there is the possibility for archaeology from a number of periods to survive, a phased programme of archaeological works should be undertaken in advance of the development. They further recommended that, in the first instance, this take the form of an archaeological desk-based assessment to fully assess the potential of the site in light of the development proposals and that this should include a full historic buildings assessment of all the existing buildings on the site, to assess their form, function, importance and architectural history.

**5.12 SCC Sustainability Team – No objection**

Subject to conditions to secure energy and water efficiency measures.

**5.13 SCC Environmental Health (Pollution & Safety) – No objection**

Subject to conditions to minimise disruption to residents during the construction process in terms of restriction on hours of work and a demolition statement.

**5.14 SCC Environmental Health (Contaminated Land) - No objection**

Subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.15 **SCC Ecology – No objection**

The site has negligible biodiversity value and no objection is raised to the proposed development. Suggest a condition seeking the inclusion of green roofs, particularly biodiverse roofs aimed at attracting pollinator species, as per the earlier plans. This would provide a significant biodiversity enhancement in an area with little existing habitat.

5.16 **SCC City Design** – Initially raised concern about the height of the rear block but this has been reduced. However, the corner block backing onto the properties of Shakespeare Avenue should be a maximum of 3 storey rather than 4, as the majority of the street frontage to Portswood Road (the principal street) is 4 storey, and the ‘infill’ development behind should be subservient to it. The City Design Officer previously sought further details to secure the following:

- The landscape boundary treatment to the rear of properties off Shakespeare Avenue will need to be of high quality, with tree planting to help further mitigate over time the proximity of the new development; and
- The communal space between the buildings will need to be secured by either a solid wall, or wall and railing scheme, not a timber fence and a suitable landscape scheme submitted. Beyond the turning head for refuse vehicles, block or slab paving should be used rather than tarmac to ensure a more domestic, shared and less engineered character.

*Officer Response*

*Amended plans have been submitted to secure these details but it is noted that the fourth floor would be similar to heights found on Portswood Road. Officers feel overall as the fourth floor is in the corner part of the building only and does not cause privacy harm the height is acceptable in this location. In addition, the previous scheme was four storey in this part.*

5.17 **Southern Water – No objection.**

Suggests a condition to secure measures to protect the public sewer during development and to secure details of the means of foul and surface water disposal.

5.18 **BAA Aerodrome Safeguarding – No objection**

No objection to the proposals in terms of the height.

**6 Planning Consideration Key Issues**

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

- Background and comparison with previous scheme;
- Principle of development;
- Design of the proposal;
- Residential amenity;
- Highway Safety and Parking;
- Landscaping and tree provision;
- Development Mitigation

6.2 Background and comparison with previous scheme

The previously approved scheme for the development of the site was set out in three distinct blocks similar to the current scheme. The previous proposal sought 50 units (over the two schemes) instead of the 71 currently proposed. The



revised scheme does not provide dwelling houses whereas the previous scheme provided 9 houses. There is no requirement for student schemes to provide accommodation suited to families. The approved heights were very similar, as the blocks fronting Portswood Road were four storeys high with the corner building adjacent to 66 Portswood Road being five storeys in design. The flatted block to the rear adjacent to 66 Portswood Road was four storey and the houses were two and half storeys as is currently the case.

6.2.1 Thirteen parking spaces were proposed for the houses in the 2011 scheme and vehicles were able to enter the site using the same access point as currently proposed. Amenity space and landscaping were provided to the rear of the housing units (as in the current scheme) but were enclosed and, in addition, some external amenity was provided to the rear of the flatted units fronting Portswood Road. The footprint of the previous scheme was different as not only were the houses separate but the depth of the blocks was not as deep as the flatted block proposed in that location now. However, in summary the scheme is very similar in mass and scale terms but the density of the scheme has increased from the 123 dwellings per hectare (dph) approved to 169dph proposed.

### 6.3 Principle of Development

The City has a housing need. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. CS16 of the Core Strategy confirms that ‘in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets’. This policy confirms the Council’s dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, ‘saved’ Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the Universities and where there is an identified need. The location of the site, at the edge of the District Centre, with excellent public transport links to the city centre and, approximately 20 minutes walking distance to the University of Southampton and the Solent University is appropriate for a significant level of student accommodation.

6.3.1 Other student schemes around Portswood Road with planning approval include:  
15/01510/FUL – 435 study bedrooms at the former bus depot  
14/02108/FUL – 525 study bedrooms at the former B&Q  
09/01377/OUT – 50 study bedrooms at the former Belgravia Car Sales

6.3.2 The application site is an allocated site within the Council's SHLAA as a site for potential development and it is located within an area with other residential and non-residential premises. This is a high density scheme (169dph dwellings per hectare), Core Strategy Policy CS5 recommends high densities (over 100dph) 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 adjoins Portswood District Centre and the public transport corridor of Portswood Road. A higher density development is 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 in NPPF and local

planning policies. There are other high density housing developments in the area, for example, the recently completed development on the opposite side of Portswood Road (the former Wickes site) which has a density of approximately 142dph. The NPPF introduces a presumption in favour of sustainable housing development and the principle of the proposal is generally supported.

#### 6.4 Design of the proposal

The scheme is similar in scale and design to the approved scheme as the proposal has been amended from that originally submitted to provide separate residential blocks elements similar to the 2011 scheme. As submitted, the scheme comprises a single linked block, which added to the scheme's excessive bulk and massing. In addition, the height of the development to the rear has been reduced and the pedestrian and vehicle access way and the landscaped areas have been vastly improved. In terms of the scale and massing of the proposed development, the predominantly four-storey frontage to Portswood Road would reflect the scale of the nearby development at 81-97 Portswood Road and the height of the adjacent mosque. The flat roof design of the building reduces its overall height and as the site is located at the edge of District Centre location, the proposed storey heights are considered acceptable. They also relate to the development on the former Wickes site which has a frontage height of 4 storeys also. The proposed elevations are articulated by a staggered building line and the larger of the flatted blocks fronting Portswood Road successfully turns the corner created by the access road marking the entrance to the development at the rear of the site. The use of contemporary materials and design aesthetics add interest to the elevations and provides continuity between the design of the individual blocks, as well as also breaking up the massing of the development. The coloured panels in particular add vibrancy to the elevations without appearing overly complicated.

- 6.4.1 To the rear of the site, the proposed buildings would have a lesser scale and massing than those fronting Portswood Road to better reflect the traditional residential accommodation that can be found beyond the southern site boundary. Oriel features similar to bay windows are proposed as well as a pitched roof on the two-half storey block. The development at the rear would create a significant improvement on the current condition of the site where the site is overgrown and dilapidated. As such, officers support the design changes and feel the scheme now meets the Council's high design and amenity requirements as set out in the current development plan – LDF Policy CS13 refers as supported by the adopted Residential Design Guide SPD (2006).

#### 6.5 Residential amenity

The key issues with respect to residential amenity are the relationship of the proposal with No. 66 Portswood Road and the terraced properties to the rear of the site fronting Shakespeare Avenue. The four storey part of the Block A (East) is designed to take its outlook to avoid overlooking of the neighbouring property at 66 Portswood Road. There is a separation gap of between five and six metres between this block and the boundary with the neighbouring at 66 Portswood Road; this would ensure that the development would not have a harmful impact on the amenities of these occupiers. It is important to note that due to the change in levels, this building would also be at a lower level than the neighbouring property. Furthermore, as the building is positioned to the north of 66 Portswood Road, the development would not create overshadowing of the neighbouring property.

- 6.5.1 The proposed two and half storey flatted block to the rear of the site would have between 19 and 21 metres separation to the rear of the properties on Shakespeare Avenue. Whilst the 19 metres separation is less than the distance suggested by the Residential Design Guide, this is significantly greater than what is typical in the surrounding area and is identical to what was approved in 2011. The change in levels assists with this assessment. In addition to this, it is important to note that the existing dilapidated warehouse structures on the site are positioned up to the rear site boundary so there will be betterment to these affected residents in terms of outlook and reduced shadow.
- 6.5.2 To the rear of the site, the third level of accommodation is served by roof lights and a condition is suggested that the cill of these windows is no less than 1.7 metres from the internal floor level. This would prevent overlooking of the neighbouring properties from these windows. As such, and particularly having regard to the significant visual improvement that the development of the rear of the site offers, the proposal is considered to be acceptable in this respect. As the scale, bulk and site coverage have been reduced officers feel the proposed scheme now addresses previous concerns in terms of the impacts on neighbouring properties.
- 6.5.3 In terms of the proposed occupiers the entrances to the blocks are easily demarked and cycle and refuse storage is located securely within the building. The separation distances within the site are also 19m but due to the use of oriel windows and the orientation of the buildings no interlooking will occur. With regard to the accommodation provided; all rooms have a decent outlook and adequate light and all units have access to the shared communal areas. The development would have access to over 600sqm of external communal amenity space. Furthermore, some of the flats also have access to private balconies. The amenity space provided would be sufficiently private and enjoy a good level of daylight and sunlight. In addition to this, the amenity space is provided in comprehensive and central areas to ensure that it could be used flexibly by future residents.
- 6.5.4 In terms of access to the units there are a number of entrances to each block and the provision of both stairwells and lifts improves the usability of the site for all. The laundry room and common room would provide useful facilities for students as well as an area to meet. The retention of a commercial unit is acceptable as it provides a mixed used scheme which would not lead to conflict between either of the proposed uses for the site.
- 6.6 Highway Safety and Parking  
Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The car parking on site would essentially serve the moving in and out of students, meaning effectively, the application would be a car-free scheme for the students. However, the commercial unit would have use of seven spaces in the lower ground floor. As set out above, the section 106 agreement will secure additional on-street car parking controls, subject to community consultation, and car parking permits would not be generally available to residents of this development. The accessible nature of the site coupled with the limited car parking will meet the aim

for sustainable patterns of development, as required by the Council's adopted policies. Furthermore, the controls on local parking, secured by the section 106 agreement will prevent significant over-spill parking on surrounding streets that would be harmful to residential amenity.

#### 6.7 Landscaping and tree provision

Currently there are limited trees on the site and the proposal seeks to provide a number of areas of landscaping within which trees will be planted. Along Portswood Road within the site frontage six trees are proposed to soften and enhance the frontage. Within the central courtyard area a number of trees are proposed around seating areas to also soften the scale of the development. Shrubs and grassed areas are proposed for the use of all the occupiers. To the rear a further landscaped area is proposed which acts as a boundary to the shared access way this will consist of shrubs and trees. Field maple, silver birch, hornbeam, crab apple and rowan are the tree species proposed for the development. A 900mm brick wall and railings are proposed as boundary treatment to secure the site. A landscaping and boundary condition are suggested to secure the communal areas to prevent insufficient landscaping and boundary treatment from being provided prior to occupation. The scheme will bring betterment and improvements to Portswood Road and will remove what is currently an over-parked frontage laid to tarmac.

#### 6.8 Development Mitigation

As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works. In terms of highway contributions, contributions towards the bus priority corridor in Portswood Road and to improve cycle facilities in the near vicinity of the site to include a demarked route at the end of Spring Crescent and Alma Road.

- 6.8.1 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 £174 per unit has been adopted. The amount is slightly altered as the scheme is for students who are less likely to have a car. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of

the Conservation of Habitats and Species Regulations 2010 (as amended). Similarly the effects on the New Forest SPA require consideration

6.8.2 Members' attention is drawn to **Appendix 1** of this report and the Habitats Regulation Assessment provided, which is necessary as part of this determination process 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 (Solent Waters and New Forest). Members are recommended to endorse this conclusion to allow the planning application to be decided. 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. **Summary**

7.1 The proposed development would make good use of this previously developed site to provide residential accommodation in this accessible location. The proposed design approach would make a positive contribution to the street scene and would create a marked visual improvement at the rear of the site.

## 8. **Conclusion**

Subject to the imposition of the suggested conditions and the completion of the S.106 legal agreement as detailed in this report, the proposal would be acceptable. The application is therefore recommended for approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a)(b)(c)(d), 2(b)(d), 4(f) & (qq), 6(c)

#### **ARL for 08/12/2015 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 - 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.

### **4. APPROVAL CONDITION – Position of roof lights [performance condition]**

The bottom sill of the roof lights in the east facing roof slopes of the dwellings hereby approved shall be no less than 1.7 metres from the internal finished floor level. The windows shall be thereafter retained in this manner.

Reason:

In the interests of the privacy of the neighbouring occupiers.

### **5. 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.

### **6. APPROVAL CONDITION - Archaeological evaluation [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.

### **7. 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.

**8. 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.

**9. 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.

**10. APPROVAL CONDITION - Archaeological structure-recording [Pre-Commencement Condition]**

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

Reason:

To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

**11. APPROVAL CONDITION – Cycle Storage [Pre-Occupation Condition]**

The cycle storage shall be provided in accordance with the plans hereby approved, before the units, to which the facilities relate, are occupied. The storage shall thereafter be retained and made available for that purpose.

Reason:

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

**12. 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 premises including a refuse management plan 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. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

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

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority, which includes:

- i. proposed finished ground levels; car parking layouts; pedestrian access and hard surfacing materials, structures and ancillary objects (refuse bins, benches, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment including.
- iv. 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

### **14. APPROVAL CONDITION – Internal/External Amenity Space Access**

The communal landscaped areas and internal spaces shown on the approved plans, and pedestrian accesses to them, shall be made available as intended for use by residents of the scheme prior to the first occupation of the units to which the amenity space relates and shall be retained thereafter with access to it at all times for the use of all occupiers of the development.

Reason:

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

### **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 hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat



the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

**16. APPROVAL CONDITION - BREEAM Standards [Pre-Commencement Condition]**

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

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (March 2015).

**17. APPROVAL CONDITION - BREEAM Standards [performance condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (March 2015).

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

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

Reason:

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

**19. APPROVAL CONDITION – Parking and Access [pre-occupation condition]**

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any other commercial activity. The parking spaces shall not be used by residents of the scheme or their visitors except as required by the intake management plan for the start and end of the academic term. Those spaces identified as having drop down bollards shall be finished as such and these bollards shall be in place to prevent parking from taking place during the academic term as required by the intake management plan.

Reason:

To ensure a satisfactory form of development and in the interests of securing appropriate parking to serve the development

## **20. APPROVAL CONDITION - Roads/Footways [pre-commencement condition]**

The roads and footways shall be laid out and made up, less the carriageway and footway surfacing, in accordance with the specification, programme and details, as agreed by the Local Planning Authority, before any building is erected on the land. The final carriageway, including the footway surfacing, shall be completed before the penultimate (or numbered) dwelling is occupied.

Reason:

To ensure that the roads are constructed properly and to avoid excess soil being deposited on existing adjoining roads.

## **21. 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

## **22. APPROVAL CONDITION - Demolition Methodology Report [Pre-Commencement Condition]**

No demolition works or site preparation works shall take place on the site unless and until plans, cross-sections and technical information has been provided to and approved by the Local Planning Authority to show that for full or partial demolition (superstructure removal) an engineering demonstration has been carried out to show that any remaining construction (retaining walls, basement substructure) would be stable either in its own right or with suitable temporary propping mitigation measures (props, shores, thrust blocks, buttresses, etc.). This information should also address any safety and site security issues (such as the treatment of unprotected edges, clear drops, confined spaces, below ground level (or part ground level) areas, etc.) related to and resulting from such full or partial demolition works.

Reason:

To ensure the proper consideration of on-site and potential off-site land stability and associated safety issues related to demolition works.

## **23. APPROVAL CONDITION - Noise & Vibration (external noise sources) [Pre-Commencement Condition]**

Construction work shall not begin until an acoustic report and written scheme to protect the proposed development in terms of habitable rooms, balconies, roof terraces and gardens from external noise sources (noise includes vibration) including transportation noise, has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed and be available for use before any part of the development is occupied.

Reason:

To protect the occupiers of the development from excessive external noise.

**24. 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.

**25. 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.

**26. 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.

**27. APPROVAL CONDITION - Sustainable Drainage Systems [Pre-Commencement Condition]**

Prior to the commencement of development a specification for the proposed sustainable drainage system (including green roofs) shall be submitted to the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

Reason:

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

**28. 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.

**29. APPROVAL CONDITION - Piling [Pre-Commencement Condition]**

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

Reason:

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

**30. 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.

**31. 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.

**32. 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 these agreed details.

Reason:

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

**33. APPROVAL CONDITION - Safety and security (Pre-Commencement Condition)**

No development shall take place within such part of the site to which a phase relates until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the residential buildings has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the phase to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of safety and security.

**Note to Applicant - Public sewerage system**

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Note to Applicant - Works to the public highway**

All works to the public highway shall be carried out in conjunction with legal agreements allowing works to the public highway, and secured by a bond. Redundant dropped kerbs need to be reinstated with full height kerbs, and the footway construction adjusted to suit.

**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.

## Habitats Regulations Assessment (HRA)

Application reference:	14/02045/FUL
Application address:	68-76 and 80-84 Portswood Road, SO17 2FW
Application description:	Redevelopment of the site to provide 71 student flats (10 x one bedroom, 45 x two bedroom and 16 x three bedroom) in 3, 4 and 5 -storey buildings with associated facilities and an office/commercial unit with parking and storage.
HRA completion date:	23/11/2015

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed would lead to the provision of student halls of residence with a total of 148 bedspaces located approximately 670m from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 7km from the New Forest SPA/Ramsar site.</p> <p>The southerly frontage has two and three storey older properties which had been converted to commercial outlets on the ground floor. The rear of the site has derelict sheds, the former Lowmans Bakery, which was vacated many years ago and is now burnt out. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects which are likely in association with the proposed development can be overcome.</b></p>

<b>Section 1 - details of the plan or project</b>	
<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> <li>▪ Solent and Southampton Water (SPA)</li> <li>▪ Solent and Southampton Water Ramsar Site</li> </ul>
Is the project or plan directly connected	No – the development consists of new student

with or necessary to the management of the site (provide details)?	accommodation which is 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 plan being assessed could affect the site (provide details)?	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a> )</li> </ul> <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m<sup>2</sup> of office development and 550,000m<sup>2</sup> 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>

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.

**Section 2 - Assessment of implications for European sites**

Test 1: the likelihood of a significant effect

- 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.

The proposed development is located 670m to the north-west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SPA and New Forest Ramsar site are approximately 7km to the south.

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 permanent arising from the operational phase of the development.

The following mitigation measures have been proposed as part of the development:

- Apart from for disabled students, no parking spaces for students will be provided within the proposed development.
- Information on public transport plus pedestrian and cycle route maps will be provided.



- The development will incorporate 74 secure cycle parking spaces.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A contribution of £2575 towards the Solent Recreation Mitigation Partnership

#### 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 the provision of a total of 148 bedspaces for students located approximately 670m from Solent and Southampton SPA/Ramsar site and 7km from the New Forest SPA/Ramsar site.

The southerly frontage has two and three storey older properties which had been converted to commercial outlets on the ground floor. The rear of the site has derelict sheds, the former Lowmans Bakery, which was vacated many years ago and is now burnt out. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

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 for 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 to assess 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."

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 PHASE EFFECTS**

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

#### **PERMANENT, OPERATIONAL EFFECTS.**

### **New Forest 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 7km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, students resident in the proposed development would fall into the category of non-local day visitors.

### **Characteristics of visitors to the New Forest**

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.  
(Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. Whilst students may fall within the first two of the above bullet points they are unlikely to have dogs or visit as part of a family group.

### **Occurrence of students**

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J., Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. Although students would be able to remain in occupation within their accommodation throughout the year (tenancies would be for a complete year) many, particularly undergraduates will vacate their accommodation and return home over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks").

Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

### **Car ownership and accessibility**

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed development will not have any private car parking spaces available for students and it is a condition of their tenancy agreement that students are not allowed to bring their own cars. This would be enforced as set out in para 6.1 of the Student Intake Management Plan submitted with the planning application). Facilities at the proposed development will be limited to just 7 car parking spaces, consisting of 2 disabled spaces and 5 staff spaces for the commercial unit. On this basis the development can reasonably be described as car free.

Car parking on the campuses of both universities is very limited. Solent Southampton University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan)

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- Pedestrian route information, cycle route maps and public transport information;
- 74 secure cycle parking spaces within the student accommodation;
- A restrictive tenancy barring students from bringing their own cars. Breaching this clause will result in termination of the tenancy.

Section 7 of the Student Intake Management Plan shows that the site benefits from its close proximity to the central location of Portswood Centre and is therefore highly accessible by public transport, bicycle and on foot. There are 8 bus services passing within 250 metres of the site including Uni-link buses serving UoS campuses and enabling travel to SSU. The site is therefore highly accessible to residing students whilst the nearby Portswood Road is both pedestrian and cycle friendly.

The high level of accessibility and the restrictive tenancies mean that it is very unlikely that the residents have access to cars.

### **Recreation options for students**

Students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of the UoS facilities can be found at the following web address:

[http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads\\_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf](http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf) . Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx> ).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the

type available to visitors to the New Forest. In particular, Southampton Common, a 125 hectare natural green space in the heart of the city, is only 15 minutes walking distance from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series of wooded stream corridors which connect a number of open spaces. The four most significant of these, Lordswood, Lordsdale, Shoreburs and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside.

Southampton Common lies within a 15 minute walking distance to the west of the site and offers a wide range of opportunities for recreation and a healthy lifestyle. The waterfront of the River Itchen is a 10 minute walk to the east of the site and allows access to the Itchen Riverside Boardwalk which runs along the western river bank. The general accessibility of the site to a wide range of services gives residents the opportunity to walk on a regular basis.

The road network around the application site also encourages cycling. The Southampton Cycle Map demonstrates that carriageways close to the site are quiet routes appropriate for cycling. See link below;

[http://www.myjourneysouthampton.com/sites/default/files/Southampton%20Cycle%20Map%202012-13.pdf?\\_utma=1.38623545.1433143105.1448293860.1448387529.7&\\_utmb=1.2.10.1448387529&\\_utmc=1&\\_utmz=1.1448293860.6.5.utmcsr=southampton.gov.uk|utmccn=\(referral\)|utmcmd=referral|utmct=/roads-parking/travel/cycling.aspx&\\_utmv=-&\\_utmh=154057016](http://www.myjourneysouthampton.com/sites/default/files/Southampton%20Cycle%20Map%202012-13.pdf?_utma=1.38623545.1433143105.1448293860.1448387529.7&_utmb=1.2.10.1448387529&_utmc=1&_utmz=1.1448293860.6.5.utmcsr=southampton.gov.uk|utmccn=(referral)|utmcmd=referral|utmct=/roads-parking/travel/cycling.aspx&_utmv=-&_utmh=154057016)

These cycle routes link the development site with Southampton Common (10 min) and National Cycle Route 23 which passes through Southampton. It is reasonable to expect that students will make use of the many leisure activities and commercial centres of Southampton.

Just outside the city boundary, to the north-east, are the Itchen Navigation (4.5km) and Itchen Valley Country Park (5.5km). These sites provide opportunities for informal recreation in a 'countryside' type environment and can be readily accessed on foot. The Itchen Valley Country Park can also be accessed by bicycle.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.

### **Visiting the New Forest National Park using public transport**

The linear distance to New Forest SPA/Ramsar site is approximately 7km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 9.4km whilst the closest section when travelling purely by road is approximately 11.5km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site is not possible. The first stage of a visit requires a journey to Southampton Central Station or the bus interchange in the city centre. Bus services into the city centre are frequent however, train travel requires a 10min walk to St Denys station from where there are just two direct trains an hour.

Travelling onward from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

**Table 1 Train services from Southampton Central to New Forest Locations**

<b>Destination</b>	<b>Service frequency (outside of peak hours)</b>	<b>Journey time</b>
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

**Conclusions**

The evidence provided suggests that students comprise a small proportion of visitors to the New Forest and that, as a visitor destination, the New Forest is most attractive to dog walkers and/or families that have access to a car.

Students residents within the new accommodation will not be permitted to keep dogs and will not be present with their families. In addition, the development will be designed in such a way as to stop students bringing their cars with them. Finally, the wide range of recreation and sports facilities available to students are closer to the development and easier and cheaper to access than the New Forest. As a consequence, it is very unlikely that students will make trips to the New Forest designated sites and will not therefore contribute to increased recreational disturbance,

**Solent and Southampton Water SPA/Ramsar site**

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due the characteristics to this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead<sup>1</sup>. As such, it is considered that the level of impact from purpose built

student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$\frac{S}{5} \times \frac{174}{2}$$

S = number of study bedrooms

$$\frac{148}{5} \times \frac{174}{2} = 29.6 \times 87 = \text{£}2575.2$$

It is considered that, subject to a level of mitigation, which has been calculated as £2575.20, being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

<sup>1</sup> See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

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

## Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will not have access to cars.
- The availability of open space, sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.
- Access to New Forest locations by students living at the proposed development would be complicated and costly especially when compared to the availability of alternative recreational activities.
- The lack of access to cars reduces the likelihood of students visiting the Solent and Southampton Water SPA whilst the lack of dogs ownership reduces the level of impact of those students who do visit the coast.

The following mitigation measures have been proposed as part of the development:

- No parking spaces, apart from 2 for disabled students, will be provided within the proposed development.
- Information public transport and pedestrian and cycle route maps will be provided.
- The development will incorporate 74 secure cycle parking spaces.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- A contribution of £2575.2 towards the Solent Recreation Mitigation Project

As such, visitor pressure on European and other protected sites in the New Forest and along the coast arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur**. As such, once the legal agreement is in place, the development can be permitted

## European Site Qualifying Features

### 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.

### 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*.

**Application 14/02045/FUL**

**APPENDIX 2**

### **POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type

CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (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
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT1	Location of Development
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
H14	Retention of Student Accommodation
TI2	Vehicular Access

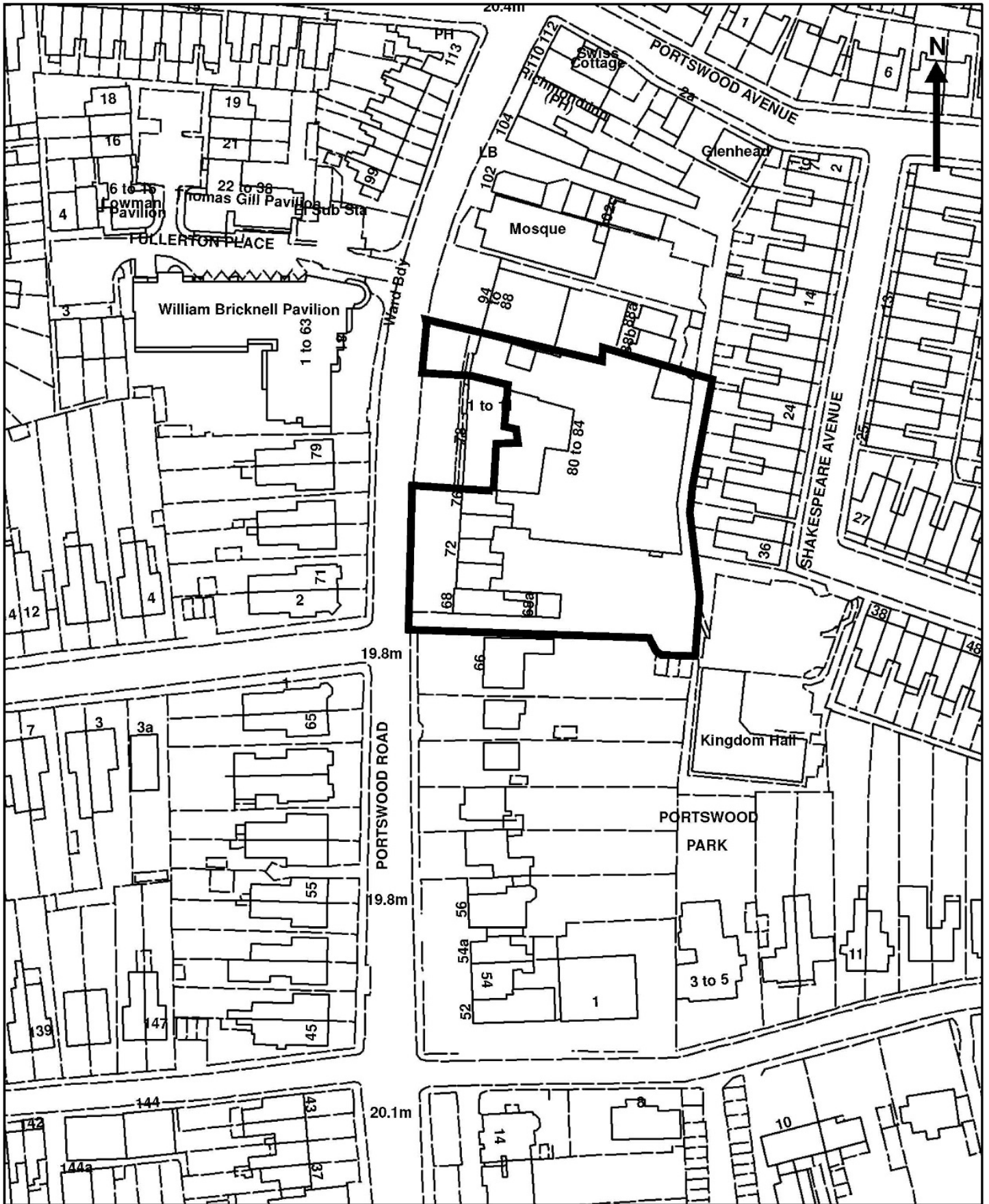
Supplementary Planning Guidance

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 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) - 8 December 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Voodoo Lounge, Vincent's Walk			
<b>Proposed development:</b> Re-development of the site. Demolition of the existing building and erection of a part 8-storey, part 9-storey and part 11-storey building to provide a commercial unit and purpose built student accommodation (44 cluster flats, 97 studios - 283 total bed spaces) with associated facilities.			
<b>Application number</b>	15/01857/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	24.12.2015	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major application with objections	<b>Ward Councillors</b>	Cllr Tucker Cllr Noon Cllr Bogle

<b>Applicant:</b> Victoria Hall Management Ltd	<b>Agent:</b> Amanda Sutton – Neame Sutton
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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### Reason for granting Permission

The 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 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, CLT3, 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.

<b>Appendix attached</b>	
1. Habitats Regulation Assessment	2. Development Plan Policies
3. Design Review Panel Comments	

## Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time higher education be permitted to occupy the development and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v).
  - 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). Measures to mitigate the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - 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.
  - 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. 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).
  - viii. Submission and implementation of a Travel Plan.
  - ix. Submission and implementation of a Waste Management Plan.
  - x. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
  - xi. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.
  - xii. The submission and implementation of a Construction Management Plan which includes the routing of construction traffic and timing of deliveries to avoid peak hours.

xiii. The submission, approval and implementation of Public Art in accordance with the Council's adopted Developer Contributions Supplementary Planning Document.

3. 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.
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 currently comprises the retail unit Buyology and the now vacant Voodoo Lounge night-club. The site lies within the city centre, and adjoins the rear of 60-66 Above Bar Street and is directly adjacent to Houndwell Park which is a Grade II\* Registered Park of special historic interest. The existing buildings on site have a poor-quality appearance, are single-storey, stepping up to two and a half storeys in scale with brick and metal profile clad elevations. There is a change of levels between the site and the adjoining premises on Above Bar Street, with the land sloping from Above Bar Street down towards the park.
- 1.2 To the rear of the site is a service yard, accessed from Vincent's Walk and which serves adjoining commercial uses on Above Bar Street as well as the application site. Immediately adjacent to the site, Vincent's Walk also provides a bus hub and vehicular access is restricted to buses, taxis and cyclists. Notwithstanding that the site and its neighbours adjoin Vincent's Walk, adjacent to the parks, the immediate context appears as 'back of house', servicing for Above Bar Street.
- 1.3 Given the city-centre location of the site, the surrounding uses are predominantly commercial and varied in character. The adjoining Above Bar Street buildings are locally listed and to the west of the site, Portland Street contains a number of listed buildings.

## **2 Proposal**

- 2.1 The application seeks full planning permission to develop the site to provide purpose-built student accommodation which comprises 283 student bed spaces.
- 2.2 The accommodation is comprised of 44 cluster flats (groups of between 4 and 6 study bedrooms sharing a communal kitchen/dining area), 89 self-contained studio units and 16 self-contained 2-bedroom units. The student accommodation would be served by associated communal facilities on the basement and ground floor levels which includes common rooms, a fitness suite, cinema rooms and meeting rooms. The accommodation would be accessed via a ground floor reception area to the north side of the building. A hard and soft landscaped forecourt would be provided to the north side of the building which would incorporate a service layby. The layout also incorporates integral cycle and refuse storage served from the service access to the south of the building. The development would be 'car free' with no on-site car parking provision.

- 2.3 The application also provides 307sq.m of floor space to the ground floor which is proposed to be either a retail or food and drink use. The commercial use would be situated to the eastern edge of the building, fronting Houndwell Park.
- 2.4 In terms of appearance, the new building would be formed of five distinct sections of differing scale and also offset from one another, with contrasting material treatment. The new building steps up from 8-storeys, where it adjoins Above Bar Street to the west, to a 9-storey central section, with the tallest, 11-storey section adjacent to Houndwell Park. The western elevation steps down again to 8-storeys to the south. The building would have a flat roof appearance and the elevations would be finished with two different facing bricks.

### **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 2**.
- 3.2 The site is not identified for development within the adopted Development Plan but does lie within the defined city centre and within an area of High Accessibility to public transport. The City Centre Action Plan identifies the area in which the site is located as being the ‘Heart of the City’ quarter. Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

### **4 Relevant Planning History**

- 4.1 There have been no recent planning applications relating to this site. In 1997 planning permission was granted for the change of use of the site to a food and drink use with associated night-club (application reference 971044/E). The planning conditions of this application were subsequently varied to enable opening until 02:00.

### **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 (09.10.15) and erecting a site notice (09.10.15). At the time of writing the report **5** representations have been received from 3 addresses outside of the city centre. The following is a summary of the points raised:
- 5.2 *The proposed building would be out-of-keeping and too tall in relation to the parks.*



### Response

This issue is discussed in more detail in section 6, below. In general, the Council's adopted policies are supportive of taller buildings on sites adjacent to the edges of the Central Parks.

- 5.3 *The proposal will result in an increase in traffic that would have a road safety impact.*

### Response

The location of the site, within the city centre, means it has excellent links to public transport, shops, services and the educational institutions that the development would serve. As such, the proposal does not incorporate any on-site car parking and is, therefore, not expected to have a significant impact on transport generation.

- 5.4 *The proposal would not relieve the pressure on existing HMO's elsewhere in the city.*

### Response

The application is accompanied by an assessment of the need for student housing within the city. Currently, just 34% of students in the city can be accommodated within purpose built accommodation with the rest relying on the private rental sector, HMO's or family accommodation. Policy CS16 of the Core Strategy confirms that the Council will manage student housing need by controlling the formation of new HMO's whilst supporting the development of new purpose built accommodation. The proposal would accord with this approach.

- 5.5 *Developing the site for student accommodation misses an opportunity to address other housing need.*

### Response:

The application site is not allocated for general purpose residential accommodation in the adopted Development Plan and the Council has identified a supply of sites to meet its housing need, which does not include the application site. The application needs to be assessed in terms of whether the principle of the proposed use is acceptable and not whether an alternative use may be preferable.

## 5.6 **Consultation Responses**

- 5.6.1 **SCC Highways** – No objection subject to securing a refuse management plan and student intake management plan. The section 106 legal agreement will also require improvements to pedestrian and cycle routes to the university.

- 5.6.2 **SCC Heritage and Conservation** - The submitted Heritage Statement does not specifically conclude whether or not the proposal would result in significant harm to nearby heritage assets. There should be a stronger commitment to the mitigation of the impacts of the development on heritage assets to be funded and provided by the developer. Suggests conditions to secure archaeological investigations and work.

Note:- An updated Heritage Statement has been submitted to address the above comments.

- 5.6.3 **SCC Sustainability Team** – No objection. It is proposed that the development would achieve BREEAM 'Excellent' and conditions are suggested to secure this

and to secure the proposed green roof.

- 5.6.4 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions to minimise disruption to residents during the construction process.
- 5.6.5 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
- 5.6.6 **SCC Ecology** – No objection in principle. The site has a low biodiversity value. The site would not have an impact on the flight paths of birds from nearby Special Protection Areas however, the potential impact on flight paths of birds using the adjacent parks needs to be considered and collision risk minimised through design. The use of a green roof is supported.

Note:- Further information has been provided by the applicant's ecologist to address this point.

- 5.6.7 **SCC Employment and Skills** – An Employment and Skills Plan will be required and should be secured by the Section 106 Legal Agreement.
- 5.6.8 **Historic England** – The redevelopment of this site has the potential to impact on the grade II\* Registered Park and Garden, called Central Parks collectively, which lies immediately to the east of the site. This is an urban park and development on the perimeter is well established and part of its character and context.

This application has been supported by a comprehensive and very helpful Heritage Statement and I concur with the assessment of the impact on heritage assets. This building, as proposed, would be substantially taller than those in the immediate vicinity. However, provided that the building is of high architectural quality this, in itself, would not harm the significance of the park. Obviously there are views from within the park to the building and there are paths which cross the park which meet its edge on Vincent's Walk opposite the site. Thus there is a very clear relationship between the park and the proposal. A poor quality building here would detract from the setting of the park.

The massing of the proposal has been carefully handled to reduce its impact by breaking down the building into smaller blocks, presenting different planes to the street and the use of varying colours of brick. This is welcomed. The simple and regular articulation with a clear vertical emphasis also adds some elegance to the structure.

Provided that high quality materials and detailing are secured through the planning process I am of the view that this building would have no adverse impact on the park. I also acknowledge that the current building is very poor and degraded and its removal would be welcomed. The creation of active frontages opposite the park would be a benefit to the park's setting and would enhance and encourage enjoyment of this important public open space.

- 5.6.9 **Southern Water** – No objection. Suggest a condition be imposed to secure the necessary sewerage infrastructure to service the development and to secure details of surface water disposal.

- 5.6.10 **Natural England** – Holding Objection. Concerned that the impact of the development on the New Forest National Park has not been adequately assessed.

Note:- Please note, a detailed assessment has been submitted by the applicant and forms part of the HRA assessment in **Appendix 1** of this report.

- 5.6.11 **City of Southampton Society** – Object. The development is too tall and would dominate the adjacent parks and properties.
- 5.6.12 **Southampton Common and Parks Protection Society** – Object. The height and massing of the proposal would result in it appearing over-dominant from views within and across the parks and over-shadow the parks. The proposal does not incorporate significant on-site amenity space, meaning the development would put increased pressure on the use of the parks. The proposal is an over-development. There should be a comprehensive development brief for this part of the city and the improvements to the adjacent bus interchange be first planned and implemented before this site is considered.

## **6 Planning Consideration Key Issues**

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

- (i) The principle of this development;
- (ii) The suitability of the design and effect on nearby heritage assets;
- (iii) Quality of living conditions and impact on surrounding land uses;
- (iv) Highways and parking and;
- (v) The direct local impacts, including on protected habitats.

### 6.2 (i) Principle of Development

- 6.2.1 CS16 of the Core Strategy confirms that ‘in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets’. This policy confirms the Council’s dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, ‘saved’ Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the Universities and where there is an identified need. The location of the site, in the city centre, with excellent public transport links to Southampton University and, approximately 300 metres walking distance to the Solent University, is appropriate for a significant level of student accommodation.
- 6.2.2 The application is accompanied by a detailed Student Need Assessment. This sets out that, when taking into account existing purpose built accommodation, development within the pipeline and, the number of students within the city, there is a shortfall of 23,108 student bedspaces in the city. The residual students either live in their own/parental home or rely on private sector landlord markets in HMOs. The proposal would meet a demonstrable need for further student

accommodation and would make efficient use of this previously developed site to meet the need. The principle of development is, therefore, acceptable.

### 6.3 (ii) Suitability of the Design

6.3.1 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building's relationship with nearby heritage assets, which include the Grade II\* Registered Parks, the adjoining Locally Listed Buildings on Above Bar Street, Listed Buildings on Portland Street as well as the Bargate Scheduled Ancient Monument. In addition to this, the applicant has engaged with the Southampton Design Review Panel and the chosen design has been revised accordingly. The Design Review Panel comments are included in **Appendix 3** to this report.

6.3.2 In terms of the principle of a tall building in this location, the City Centre Action Plan policy AP17 defines tall buildings as being 5+ storeys in height and confirms that individually designed tall buildings are acceptable adjoining the Central Parks. The City Centre Action Plan also confirms that, in this location, tall buildings are generally appropriate on the park edges and suggests that on Above Bar Street itself, buildings should step back above 4-storeys to retain the 2-4 storey height frontage of the 1950s, locally listed parade. This policy goes on to confirm that tall buildings should make a positive contribution, mark gateways into and out of the city centre and highlight key spaces such as the Central Parks. The policy also requires applications for tall building to be supported by a visual impact assessment. The policies in the City Centre Action Plan were informed by the City Centre Masterplan, which indicated that this part of the city was appropriate for a landmark building. The Development Design Guide SPD confirms that building heights of 4-8 storeys is acceptable in this location and that occasional buildings of more than 8 storeys will be considered. As such, the principle of a tall building is considered to be appropriate in this location.

6.3.3 The scale of the building has been carefully considered in terms of its impact on the setting of the Registered Parks and nearby Listed and Locally Listed Buildings. As a whole, Southampton city centre is relatively low-rise in scale, however, surrounding the central parks are individual taller buildings, reflecting an established design practice in the city of encouraging taller buildings at the park edges. The site itself is prominent and located at the edge of a key route into the City Centre. As noted above, currently the site has a poor-quality appearance and indeed the adjoining buildings appear to back onto the parks with service entrances onto Vincent's Walk. The proposal, by contrast would introduce genuine active frontages to the street, aided by the incorporation of a ground floor commercial unit, support facilities for the student use and a landscaped forecourt to the building.

6.3.4 The proposed building is broken into distinct separate elements with a graduation of height towards the park. The articulation of the building is reinforced by the alternate application of red and buff bricks and physical steps in the building line. This ensures that the massing does not appear excessive and the elevations provide a slender and elegant edge to the Parks and surrounding streets. The application is accompanied by 1:50 scale detailed sections of the elevations which provides assurance that a high-quality building can be delivered. The brick elevations relate well to the surrounding context and also provide a robust finish

to the building. As such, overall it is considered that the proposal would have a positive impact on its surrounds and not adversely affect the setting of nearby heritage assets.

#### 6.4 (iii) Quality of Living Conditions and Impact on Surrounding Land Uses

- 6.4.1 The application is mainly surrounded by commercial uses and the proposal, therefore, would not have a significant impact on the living conditions of existing nearby residents. In terms of the effect on the use of the adjacent parks, shadow diagrams have been provided with the application which demonstrate that there would be some additional over-shadowing of the parks within the late afternoon. The nearby Sparks Park playground would be unaffected by overshadowing from the development. Furthermore, the majority of the park would be unaffected for the most part of the day, so as not to undermine its overall quality and utility.
- 6.4.2 The majority of the accommodation proposed would be served by windows facing the public realm. There would be, however, some west-facing accommodation facing onto the internal courtyard and the rear elevations of Above Bar Street. The application has been designed to elevate habitable accommodation above street level and, where possible, south-facing windows have been included to improve access to natural light. The application is accompanied by a sunlight and daylight assessment in accordance with BRE guidelines. This assessment concludes that the bedrooms would enjoy an acceptable level of daylight and sunlight. A noise assessment has also been carried out and concludes that subject to an appropriate specification of glazing with acoustically treated trickle vents, residents would not be unduly disturbed by external noise sources.
- 6.4.3 Whilst some rear-facing units would have constrained outlook, it is important to note that residents would have access to good-quality communal spaces within the development, meaning that overall the quality of accommodation would be acceptable. In addition to this, the location of the site offers other benefits to residents in terms of its excellent access to shops, facilities, central parks and the educational institutions. The development does provide a communal roof terrace which would overlook the parks and has a southerly aspect, providing a high-quality space for residents. As such, overall it is considered that a high-quality residential environment would be achieved.

#### 6.5 (v) Highways and Parking

- 6.5.1 Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would be a 'car free' scheme without any on-site car parking provision. Having regard to the nature of the proposed use and the city centre location of the site, this approach is considered to be appropriate. The site lies a short walk, across the park, from the Solent University and is within walking distance to bus route connections to the University of Southampton. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets. The section 106 legal agreement would include a clause to secure an intake management plan to agree measures to manage, in particular, the arrivals of students at the start of a new academic year. A service layby would be

provided to the north of the building for use of servicing and delivery vehicles for the student use and commercial use.

6.5.2 Policy AP18 of the City Centre Action Plan identifies Vincents Walk for a 'super stop' or high-quality bus interchange. As such, subject to consultation with the highways authority and bus operators, it is likely that part of the site specific highway requirements will include contributions towards the Vincent's Walk bus interchange improvements.

6.5.3 The accessible nature of the site coupled with the limited car parking will meet the aim for sustainable patterns of development, as required by the Council's adopted policies.

## 6.6 (vi) Protected Habitats Impact and other Direct Local Impacts

6.6.1 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 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).

6.6.2 As set out in paragraph 5.23 above, Natural England have lodged a holding objection on the basis that the impact of the development on the New Forest National Park has not been adequately assessed. The New Forest National Park is also a Special Protection Area, Special Area of Conservation, Ramsar site and contains Sites of Special Scientific Interest. Accordingly, the Council have undertaken an Appropriate Assessment as required by the Habitats Regulations. This Assessment is included as **Appendix 1** to this report and concludes that the development is unlikely to have a significant effect on the designated habitats.

6.6.3 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions Supplementary Planning Document. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.

6.6.4 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is

required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

## **7 Summary**

7.1 Having regard to the city centre and highly accessible location of the site, it is considered to be appropriate to accommodate a significant body of student accommodation. The provision of a ground floor commercial use assists in providing an active frontage whilst retaining an employment use on the site. The proposal would meet an identified need for this type of housing in the city and submitted information demonstrates that a high-quality development would be achieved that has a positive relationship with the surrounding area.

## **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)

**JT for 08/12/2015 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, 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 – Refuse and Cycle Storage [Pre-Occupation Condition]**

The cycle and refuse storage shall be provided in accordance with the plans hereby approved, before the development first comes into occupation. The storage shall thereafter be retained and made available for that purpose.

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

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

Notwithstanding the submitted details, with the exception of site clearance and demolition works, before the commencement of development a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority, which includes:

- i. proposed finished ground levels or contours; means of enclosure; 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. 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

#### **06. 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 site clearance, demolition and 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 plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all



operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours and the wider environment

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

**08. APPROVAL CONDITION – Archaeology [Pre-commencement Condition]**

No development shall take place until Written Scheme of Investigation and programme of archaeological work for the evaluation of the site has been submitted to and approved in writing by the local planning authority. The programme of archaeological works shall be implemented and subsequently completed in accordance with the agreed Written Scheme of Investigation.

If, as the result of the archaeological evaluation, it becomes clear that the development will result in the loss or destruction of archaeological remains, it will be necessary to commission a further stage of archaeological works. No further works comprising development shall take place on site before a Written Scheme of Investigation together with a programme of further archaeological work has been submitted to and agreed in writing by the Local Planning Authority and implemented by the developer. The programme for further archaeological works shall be implemented and completed in accordance with the Written Scheme of Investigation for the previously unidentified features.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results has been secured. This Condition will not be fully discharged until the archive generated by the archaeological works had been deposited and accepted by Southampton Museums Service.

Reason: To ensure that the necessary archaeological investigations are secured and completed.

**09. 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.

#### **10. APPROVAL CONDITION – Active Ground Floor Frontage**

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the ground floor frontage to Portswood Road hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive streetscene without obstruction and to improve the natural surveillance offered by the development.

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

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

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

#### **12. APPROVAL CONDITION - BREEAM Standards [performance condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Excellent against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason:

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

#### **13. APPROVAL CONDITION - Green roof specification**

A specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

#### **14. APPROVAL CONDITION - Energy (Pre-Occupation Condition)**

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of 15% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

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

**15. 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:

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.

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.

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.

**16. 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.

**17. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

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

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

**18. APPROVAL CONDITION - Hours of Use & Delivery Non-residential uses [Performance Condition]**

The non-residential use hereby permitted shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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

**19. APPROVAL CONDITION - Glazing Soundproofing from external traffic noise [Pre-Commencement Condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be either:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

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

**20. APPROVAL CONDITION - Extract Ventilation [Pre-Occupation Condition]**

The ground floor commercial unit shall not be used for food and drink purposes (Use Class A3) until extraction and ventilation equipment has first been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The equipment shall thereafter be retained in accordance with the agreed details whilst a restaurant or café use is operating.

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

## Habitats Regulations Assessment (HRA)

Application reference:	15/01857/FUL
Application address:	Voodoo Lounge Vincents Walk, Southampton
Application description:	Re-development of the site. Demolition of the existing building and erection of a part 8-storey, part 9-storey and part 11-storey building to provide a commercial unit and purpose built student accommodation (44 cluster flats, 97 studios - 283 total bed spaces) with associated facilities
HRA completion date:	24/11/2015

HRA completed by:	
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk	Jenna Turner Planning Applications Group Leader Southampton City Council Jenna.Turner@southampton.gov.uk

<p><b>Summary</b></p> <p>The project being assessed would lead to the provision of student halls of residence with a total of 283 bedspaces located approximately 1.2km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 5km from the New Forest SPA/Ramsar site.</p> <p>The site is currently a vacant nightclub and retail unit. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects which are likely in association with the proposed development can be overcome.</b></p>
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<b>Section 1 - details of the plan or project</b>	
<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> <li>▪ Solent and Southampton Water (SPA)</li> <li>▪ Solent and Southampton Water Ramsar Site</li> </ul>

<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of new student accommodation which is neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a> )</li> </ul> <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m<sup>2</sup> of office development and 550,000m<sup>2</sup> 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 Bus Depot 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>

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.

## Section 2 - Assessment of implications for European sites

Test 1: the likelihood of a significant effect

- 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.

The proposed development is located 1.2km to the west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SPA and New Forest Ramsar site are approximately 5km to the south.

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 permanent arising from the operational phase of the development.

In their response to the consultation on this planning application, dated 27<sup>th</sup> October 2015, Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. The response also highlighted the potential for recreational impacts upon the New Forest SPA as a consequence of the operation of the proposed development.

The following mitigation measures, which are set out in the attached 'Natural England Consultation Response Note 25<sup>th</sup> November 2015', have been proposed as part of the development:

- No parking spaces will be provided within the proposed development.
- Information on public transport plus pedestrian and cycle route maps will be provided.
- Site specific improvements to the highways network will be provided to promote sustainable modes of travel.
- A travel plan is provided that promotes sustainable modes of travel.
- The development will incorporate 150 secure cycle parking spaces.

#### 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 the provision of a total of 283 bedspaces for students located approximately 670m from Solent and Southampton SPA/Ramsar site and 7km from the New Forest SPA/Ramsar site.

The site comprises a retail unit and a vacant night club. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

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 for 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 to assess 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."

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 PHASE EFFECTS**

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

### **PERMANENT, OPERATIONAL EFFECTS.**

#### **New Forest 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 7km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, students resident in the proposed development would fall into the category of non-local day visitors.

#### **Characteristics of visitors to the New Forest**

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.  
(Source:www.nationalparks.gov.uk).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. Whilst students may fall within the first two of the above bullet points they are unlikely to have dogs or visit as part of a family group.

#### **Occurrence of students**

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J.,



Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. Although students would be able to remain in occupation within their accommodation throughout the year (tenancies would be for a complete year) many, particularly undergraduates will vacate their accommodation and return home over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks". Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

### **Car ownership and accessibility**

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed development will not have any private car parking spaces available for students and it is a condition of their tenancy agreement that students are actively discouraged from bringing cars to the site. As such, the development can be described as being car free.

Car parking on the campuses of both universities is very limited. Solent Southampton University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan)

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- Pedestrian route information, cycle route maps and public transport information;
- 150 secure cycle parking spaces;
- No available on-site car parking;
- The opportunity to purchase a bus season ticket as part of their accommodation package.

The Framework Travel Plan shows that the site benefits from its city centre location and is therefore highly accessible by public transport, bicycle and on foot. There are 20 bus services passing within 250 metres of the site including Uni-link buses serving UoS campuses and enabling travel to SSU. The site is therefore highly accessible to residing students.

The high level of accessibility and parking restrictions in the city centre means that it is very unlikely that the residents have access to cars.

### **Recreation options for students**

As set out in the attached 'Natural England Consultation Response Note', students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of these facilities are set out in the attached document and using the following web link:

[http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads\\_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf](http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf) . Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU) website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx> ).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the type available to visitors to the New Forest. In particular, the site sits adjacent to the Central Parks whilst Southampton Common, a 125 hectare natural green space in the heart of the city, is only 10 minutes cycling distance from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series wooded stream corridors which connect a number of open spaces. The four most significant of these, Lordswood, Lordsdale, Shoreburs and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside.

The waterfront of the River Itchen is a 10 minute walk to the east of the site and allows access to the Itchen Riverside Boardwalk which runs along the western river bank. The general accessibility of the site to a wide range of services gives residents the opportunity to walk on a regular basis.

The road network around the application site also encourages cycling. The Southampton Cycle Map demonstrates that carriageways close to the site are quiet routes appropriate for cycling. These cycle routes link the development site with Southampton Common (10 min) and National Cycle Route 23 which passes through Southampton. It is reasonable to expect that students will make use of the many leisure activities and commercial centres of Southampton. See the following link for the Southampton Cycle Map:

[http://www.myjourneysouthampton.com/sites/default/files/Southampton%20Cycle%20Map%202012-13.pdf?\\_utma=1.38623545.1433143105.1448293860.1448387529.7&\\_utmb=1.2.10.1448387529&\\_utmc=1&\\_utmx=-&\\_utmz=1.1448293860.6.5.utmcsr=southampton.gov.uk|utmccn=\(referral\)|utmcmd=referral|utmctt=/roads-parking/travel/cycling.aspx&\\_utmv=-&\\_utmz=154057016](http://www.myjourneysouthampton.com/sites/default/files/Southampton%20Cycle%20Map%202012-13.pdf?_utma=1.38623545.1433143105.1448293860.1448387529.7&_utmb=1.2.10.1448387529&_utmc=1&_utmx=-&_utmz=1.1448293860.6.5.utmcsr=southampton.gov.uk|utmccn=(referral)|utmcmd=referral|utmctt=/roads-parking/travel/cycling.aspx&_utmv=-&_utmz=154057016)

Just outside the city boundary, to the north-east, are the Itchen Navigation (4.5km) and Itchen Valley Country Park (5.5km). These sites provide opportunities for informal recreation in a 'countryside' type environment and can be readily accessed on foot. The Itchen Valley Country Park can also be accessed by bicycle.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities, reduces the likelihood that students would travel to the New Forest for recreational purposes.

### **Visiting the New Forest National Park using public transport**

The linear distance to New Forest SPA/Ramsar site is approximately 7km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 7.1km whilst the closest section when travelling purely by road is approximately 11.1km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site is not possible. The first stage of a visit requires a journey to Southampton Central Station or the bus interchange in the city centre. Bus services into the city centre are frequent however, train travel requires a 10min walk to St Denys station from where there are just two direct trains an hour.

Travelling onward from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

**Table 1 Train services from Southampton Central to New Forest Locations**

<b>Destination</b>	<b>Service frequency (outside of peak hours)</b>	<b>Journey time</b>
Ashurst	1 service per hour	10 mins
Beaulieu Road	6 services between 0900- 1800	14 mins
Lyndhurst	No service	
Brockenhurst	4 services per hour	16 mins
Lymington	2 services per hour (change at Brockenhurst)	20 mins
Burley	No service	

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

### **Conclusions**

The evidence provided suggests that students comprise a small proportion of visitor to the New Forest and that, as a visitor destination, the New Forest is most attractive to dog walkers and/or families that have access to a car.

Students resident within the new accommodation will not be permitted to keep dogs and will not be present with their families. In addition, the development will be designed in such a way as to stop students bringing their cars with them. Finally, the wide range of recreation and sports facilities available to students are closer to the development and easier and cheaper to access than the New Forest. As a consequence, it is very unlikely that students will make trips to the New Forest designated sites and will not therefore contribute to increased recreational disturbance,

## Solent and Southampton Water SPA/Ramsar site

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due to the characteristics of this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off a lead<sup>1</sup>. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$S/5 \quad x \quad 174/2$$

S = number of study bedrooms

$$283/5 \quad x \quad 174/2 = \quad 57x \quad 87 = 4959$$

It is considered that, subject to a level of mitigation, which has been calculated as £4959 being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

<sup>1</sup> See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

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

### Conclusions

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will not have access to car parking.
- The availability of open space, sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.
- Access to New Forest locations by students living at the proposed development would be complicated and costly especially when compared to the availability of alternative recreational activities.

The following mitigation measures have been proposed as part of the development:

- No parking spaces will be provided within the proposed development.

- Information public transport and pedestrian and cycle route maps will be provided.
- The development will incorporate 150 secure cycle parking spaces and a free cycle rental scheme within the accommodation.

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

## NATURAL ENGLAND CONSULTATION RESPONSE NOTE

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**Proposed 283 bed student accommodation  
Former Voodoo Lounge, Vincents Walk, Southampton**

*On behalf of:  
Victoria Halls Management Ltd*

*Prepared by:  
Amanda Sutton BA (Hons) DipTP MRTPI  
Director*

25 November 2015

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## 1.0 Background

- 1.1 In a letter dated 27<sup>th</sup> October 2015, Natural England objected to my Client's planning application and required further information regarding the potential impact of the proposal on the New Forest SPA, Special Area of Conservation (SAC) and Ramsar and SSSI site, to enable a Habitats Regulations Assessment to be carried out.
- 1.2 In response, SCC's Case Officer, Jenna Turner, kindly confirmed that the Council's Ecologist would undertake the Habitats Regulation Assessment and that this issue had arisen on a similar student proposal at Portswood Depot. In that case, additional information had been provided by the Applicant Orchard Homes and a HRA undertaken, and the Council were awaiting confirmation from Natural England that this was sufficient to remove their holding objection.
- 1.3 Under cover of an email dated 9<sup>th</sup> November 2015, the Council's Case Officer confirmed that Natural England had accepted the approach taken by the Council in relation to Portswood Depot, and they had therefore removed their objection.
- 1.4 In this respect my Client's application could move forward with confidence, and it was agreed that my Client should set out the similarities that exist between both proposals for student accommodation and why therefore there is no significant impact on the SPA.

## 2.0 Response to Natural England Holding Objection

- 2.1 As in the Portswood Depot case, Natural England helpfully suggest in their letter that the following information be obtained to help undertake a Habitats Regulations Assessment:

*"You may wish, in this assessment to draw on the information already provided as part of the application relating to car ownership restrictions, and explore the implications this may have for the residential ability to access and visit the New Forest sites. There may also be evidence available that can be drawn on relating to ease of access via public transport to the New Forest sites, and the visitation patterns of the student population relative to the permanent residential population of the city to the sites in questions".*

- 2.2 Whilst the evidence that was presented in relation to the Portswood Depot proposal is equally applicable to my Client's application, I set out below the information necessary for the Council to be able to undertake a HRA, as follows:

*(i) Car Ownership*

- 2.3 Students are not allowed to bring cars to site in accordance with the terms of their tenancy agreement.
- 2.4 As such, the application comprises a car free development, except for 1 no. potential accessible parking space.

2.5 The application site is located within the heart of the city centre, immediately adjacent to the City's super bus stop, and as such the students have the ability to undertake trips by sustainable modes of transport without the need for a private motor car.

*(ii) Alternative options for sport and recreational activities for students:*

2.6 Both Universities within the City offer exceptional sport and recreational facilities for their students as part of their University experience.

2.7 The University of Southampton has both a sports hall and sports centre at its main Highfield campus, which offers a 6 lane 25m swimming pool, 160 station gym, 8 court sports hall, squash courts, martial arts studio, climbing wall, dance studios and activity room.

2.8 In addition, Solent University has 2 sports centres in the city centre (St Marys and East Park Terrace) within close proximity to the application site.

2.9 Watersports are also catered for at the University's Southampton Water Activity Centre.

2.10 In addition, Southampton has a number of public sport facilities, including Southampton Sports Centre, The Quays Swimming and Diving Complex, Bitterne Leisure Centre, Chamberlain Leisure Centre and Southampton Municipal golf course.

2.11 The application site's location immediately adjacent to the City's "Super" bus stop provides the opportunity for sustainable modes of transport to the City's sport and recreation facilities on offer, including the Uni-Link bus which provides a direct link to the University campuses. In addition, the application proposals make provision for 150 cycle spaces to encourage cycling.

2.12 There are also a number of green spaces within easy walking distance of the proposed development comprising Southampton's central parks, which includes Houndwell Park, Hoglands Park, Palmerston Park, Andrews Park and Watts Park. Together these parks cover an area of some 21 hectares, and apart from their general amenity, offer a variety of facilities available to the general public, as follows:

- Houndwell Park (The Play and Picnic Park): Large children's play area;
- Hoglands Park (The Sports/Youth Park): Cricket pitch and pavilion, informal football and skate park;
- Palmerston Park (The Spring/Bandstand Park): Bandstand;
- Andrews Park (The Fountain and Pergoal Park): Grass tennis courts, all weather tennis courts and mini golf;
- Watts Park (The Arts Park): Cenotaph.

2.13 It is evident from the above that the availability of good quality and accessible open space and sports facilities within close proximity of the application site, combined with the fact that the proposed



development comprises a city centre car free development, reduces the likelihood that students would travel to the New forest for recreational purposes.

*(iii) Likely visits to the New Forest National Park by students living in Southampton:*

2.14 As part of the evidence in support of the Portswood Depot proposal, the Council was provided with statistics regarding visitor numbers within the New Forest National Park taken from the report "Changing patterns of visitor numbers within the New Forest National Park, 2008". These remain equally applicable to my Client's application and for ease are summarised below:

- 13.3 million visitor day/trips throughout the year;
- 85% of visitors to the new forest arrive by car;
- 25-35% of the visitor total are attracted from areas more than 5 miles from the National Park as day visitors;
- One of the main reasons given for trips to the Park is to walk the dog;
- 68% of visitors to UK National Parks are families.

2.15 The evidence above therefore suggests that students are not attributable to large numbers of visitors to the New Forest by virtue of the fact that a high proportion of the trips are undertaken by families, by car and with dogs.

2.16 Combined with the fact that students have access to a wide range of sport and recreational facilities within close proximity of the application site, leads to the conclusion that my Client's application proposal does not give rise to increased recreational pressure on the New Forest.

*(iv) Ease of access to New Forest sites by public transport:*

2.17 The application site is located 2.6km (as the crow flies) from the boundary with the New Forest National Park and on the basis that the proposed development is car free, students will be reliant upon public transport to visit the New Forest sites.

2.18 As a city centre site, immediately adjacent to a super bus stop, access to public transport is not an impediment to students making trips by either bus or rail.

2.19 However, the New Forest is dominated by large tracts of open heathland and as with many rural environments, public transport within the New Forest is limited to the urban centres of Lyndhurst, Brockenhurst, Burley, Beaulieu and Lymington. Although it is relevant to note that generally these urban centres fall outside of the European or other protected sites.

2.20 Train services from Southampton Central to the New Forest railway stations comprise:

Ashely

1 service per hour

10 mins duration

Beaulieu Road	6 services between 0900-1800	14 mins duration
Brockenhurst	4 services per hour	16 mins duration
Lymington	2 services per hour	20 mins duration

2.21 Bus services to the urban centres are limited to the Bluestar 6 service which runs hourly during the day from the city centre and takes between 30-40 minutes. Other services are available throughout the National Park from the urban centres.

2.22 Although access by train or bus is available to those urban centres within the National Park, these fall outside of the European protected sites, and therefore the potential for any harm only arises by the ability to travel by bus from these locations into the National Park. However, the ease of access to the New Forest by students is considered to be limited by the fact that they would need to make connections with the appropriate service which adds to the time and cost.

### **3.0 Solent and Southampton Water SPA**

3.1 The proposed development lies within 5.6km of the Solent and Southampton Water SPA, and on the basis that it will lead to a net increase in residential accommodation, the Council require a financial contribution to be made towards mitigating against any adverse impact.

3.2 Natural England has recently agreed that the Council can apply a reduction to this financial contribution for student proposals schemes, for the reasons given above, and on the basis that the occupancy rate of student accommodation is lower than family housing.

3.3 On this basis, Natural England raises no objection subject to the necessary financial contribution being made.

3.4 The Applicant has no objection in principle to this approach and has recently met with the Council to agree heads of terms, including the provision for a financial contribution towards the Solent and Southampton Water SPA.

### **4.0 Conclusion**

4.1 Having regard to the above it is considered that the proposal for student accommodation at Vincents Walk will not cause increased recreational disturbance on the New Forest SPA by virtue of the fact that:

- The proposed development is car free;
- The students are prevented from bringing cars to the site;
- The application site is located within the heart of the city centre and is therefore accessible to the wide range of sport and recreation facilities that the City and the Universities have to offer;
- Statistics of New Forest Visitors demonstrate that students do not make up large volume of visitors

- The ease access to New Forest locations by students is limited by the need to connect to a range of bus services, particularly when compared to the availability of alternative recreational activities.

4.2 Accordingly, it is concluded that the proposed development of 283 bedspaces will not lead to any likely significant effects, either alone or in combination, on the New Forest SPA.

**POLICY CONTEXT**

Core Strategy - (Amended 2015)

CS3	Town, District and Local Centres, Community Hubs and Community Facilities
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
HE3	Listed Buildings
HE4	Local List
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation

City Centre Action Plan March 2015

AP9	Housing Supply
AP16	Design
AP17	Tall Buildings

Supplementary Planning Guidance

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

Other Relevant Guidance

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

**DARREN SHORTER**

Southampton City Council Direct  
dial: 023 8083 3390  
Email: [darren.shorter@southampton.gov.uk](mailto:darren.shorter@southampton.gov.uk)



*Sent on behalf of:*  
**Julian Boswell - Chair of the Southampton Design Advisory Panel**

30<sup>th</sup> July, 2015

For the attention of Mike Skilton and Amanda Sutton

Dear Mike and Amanda,

**Voodoo Lounge, Vincent's Walk, Southampton**  
**Review of the presentation to the Design Advisory Panel 28<sup>th</sup> July, 2015.**

On behalf of the Southampton Design Advisory Panel and the city council I would like to thank you for your attendance at the June Panel. The Panel were impressed by the contextual appraisal work which had informed your design proposals which the Panel support.

The Panel offer the following observations:

The Panel supports the thorough design rationale which has generated the heights and proportions of the proposed building and provided that the views are ultimately verified in respect of the key heritage assets identified, believe the overall height of the development to be appropriate. The Panel also feel that the adjacent listed park is not detrimentally affected by the height proposed.

The Panel support the strong yet elegant rigour of the treatment of the facades and the use of deep reveals to create a sculptural quality to the building. However, this rigour seems unresolved with regard to the ground floor of the building which seems at odds with the upper floors and needs greater consideration. In what could be viewed by some as a quite austere building it may be worth considering where elements of 'playfulness' may be incorporated within the facades, perhaps in terms of limited colour used on the deep reveals. The Panel was unconvinced that the projecting bay was of the same architectural language to the rest of the building, although the importance of this corner when viewed from the junction of Hannover Buildings was acknowledged.

The main focus of the drawings presented was quite rightly on the front/park face of the building and given the northerly aspect of one part of the building careful consideration will need to be given to the brick used in order to avoid this elevation appearing very dark, particularly when viewed from the park approach. It will also be necessary to apply the same rigour to the rear elevations of the building. Again material/colour will be critical given the relatively tight upper courtyard amenity space to the student bed spaces. It was also stated at the presentation that as yet how to finish the top of the building had not yet been fully determined. It would seem to the Panel clear that a parapet to a flat roof is the only logical conclusion to respect the rigour of the architecture of the facades.

The Panel supports the aspiration to allow students access to roof terraces as amenity space, but does wonder whether this is necessary given the immediate adjacency of the parks. The Panel also welcomes the location of the entrances, common room and retail unit which should contribute to enriching the street scene. The panel would however urge you as part of this proposal to put forward

ideas for how the adjacent small space opposite the building/future bus super stops can be better integrated through an improved public realm in this heavily trafficked area.

Clearly the Panel fully supports the strong modern approach to the design of the building and the level of consideration being applied to the subtlety of articulation and detailing of facades.

However, this represents the fundamental criteria by which this scheme will ultimately be judged, as any reduction in the quality of materials and workmanship needed to execute the level of subtlety being expressed, would completely diminish the finished result, leading to an unsatisfactory building adjacent to the listed park.

Essentially this represents an 'all-or-nothing' approach where the costs required to deliver the project to the desired quality are likely to be higher than that usually found on student housing schemes and we welcome your client's commitment to the delivery of this high quality approach. It will however be necessary for 1:20 details to be submitted for key elements of the design, such as the deep reveals in order to ensure that this cannot be changed at a later date. Likewise the quality of bricks to be used is absolutely fundamental to the success of the scheme and the specific product needs to be specified as part of the planning application. We would naturally urge your client to ensure that the architects at this stage are engaged through to delivery as the best way of helping to ensure the quality of finished building is realised, which we believe would be a significant contribution to improving the quality of the building stock within the city centre.

I trust you find this note of the Panel's observations useful in developing further your proposals.

This note has been copied to the case officer, Jenna Turner. All pre-application advice remains confidential until receipt of a formal planning application, when the observations of the Panel are incorporated in the case officer's report and thereby are available for public scrutiny.

Please note that as the Panel's remit is to advise the city council on matters of design, no direct communication can be entered into with the Panel outside of the meeting. If you have any queries or require clarification regarding the contents of this note please do not hesitate to contact me.

Yours sincerely



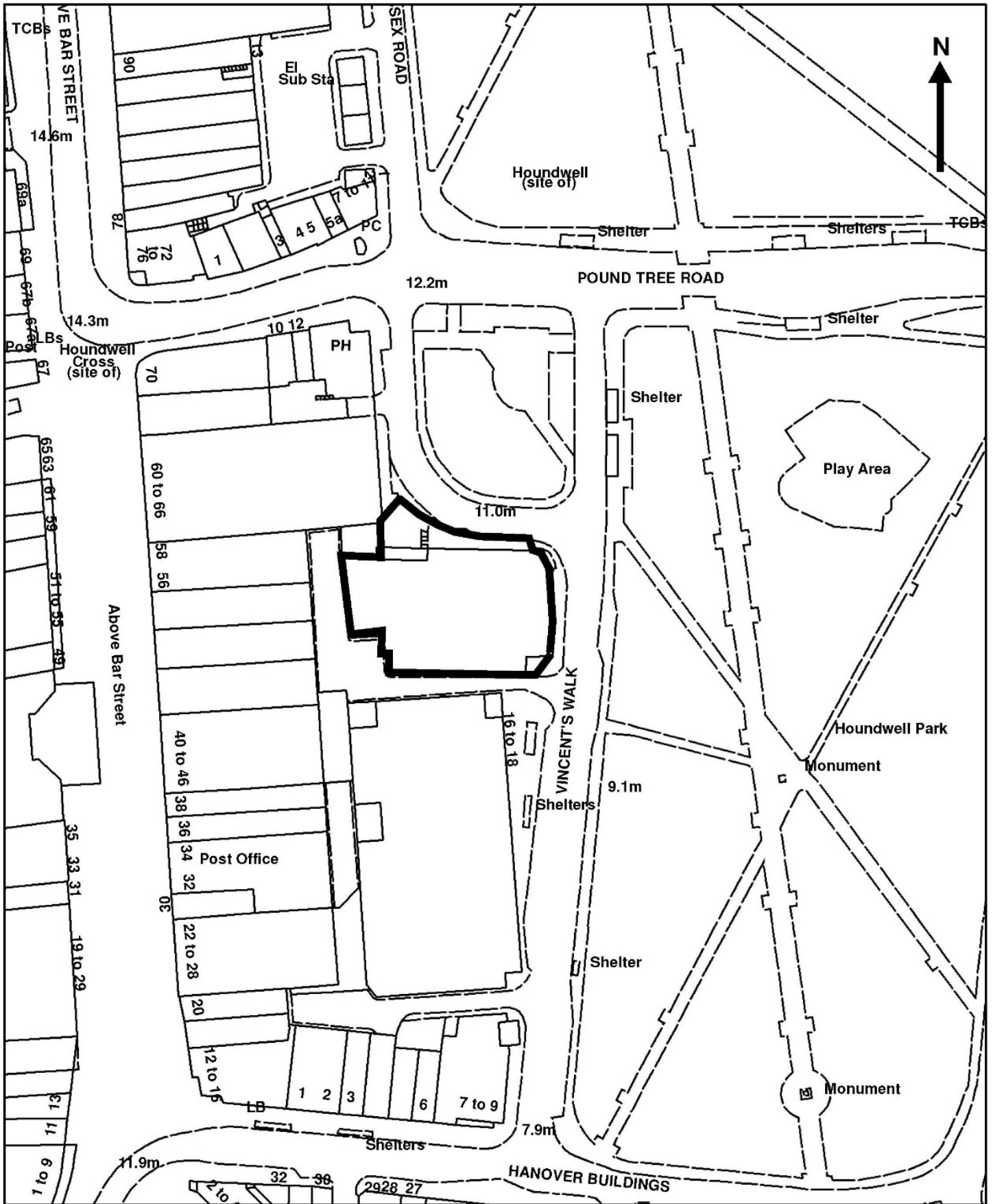
**Darren Shorter**

City Design Group Leader – Liaison Officer to the SDAP

Cc

*Jenna Turner*

*SCC – Planning Applications Group Leader*



Scale: 1:1,250

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# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) - 8 December 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Leisure Trail, Mansbridge Road			
<b>Proposed development:</b> Change of use to car wash and valet (class sui generis) and enclosure to jet wash (resubmission)			
<b>Application number</b>	15/01903/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14.12.15	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors</b>	Cllr White Cllr Fuller Cllr Inglis
<b>Referred by:</b>	Cllr Ivan White	<b>Reason:</b>	Impact on residential amenity
<b>Applicant:</b> Mr Afrim Dida		<b>Agent:</b> Laemco Ltd	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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 the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP16, SDP17 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Noise Mitigation Measures
3	Permission 14/00477/FUL car sales use	4	Previous Refusals
5	Response noise report concerns		

### Recommendation in Full

#### Conditionally approve

#### 1. Background to application

- 1.1 In November 2014 the Council received a complaint that the site was being used as a commercial car wash without the benefit of planning permission. The

Council's Enforcement Team confirmed that the use was indeed a breach of planning control and a planning application was subsequently submitted to regularise the use (planning application reference 14/02110/FUL). This application was refused planning permission based upon the noise impact on neighbouring residents. An Enforcement Notice was then served on the 23<sup>rd</sup> April 2015 which had a 28 day compliance period which expired on the 22<sup>nd</sup> June 2015. The Council's Environmental Health Team also served a Noise Abatement Notice on the operators of the car wash on 17<sup>th</sup> March 2015.

- 1.2 Before the end of the compliance period, a second planning application was submitted (reference 15/01127/FUL). This application was also refused for the impact of noise of adjacent residential occupiers. Following refusal of the second application, the Council commenced legal proceedings to enable the cessation of the use. However, before the first available court date, the current application was submitted to the Council for consideration. Based on officers' preliminary assessment, the latest submission had come some way in addressing the previous concerns and, therefore, legal proceedings were adjourned to enable the Council to determine this application.

## **2. The site and its context**

- 2.1 This application site is located within the ward of Bitterne Park. The car wash business forms a smaller commercial unit within the larger Haskins Garden complex which includes Hobbycraft store (served by a large car park) together with Swan Pool and Spa Centre. The site is served by a shared access from the Garden Centre road entrance leading to Mansbridge Road.
- 2.2 There are a number of residential properties adjacent to the site. The two closest properties are Brindle House, immediately adjacent to the south, and Rowan Cottage to the north, at the junction with Mansbridge Road. These properties are both served by Cutbush Lane, a narrow quiet lane. In the wider area, to the south lies a large recreational playing field and to the north is the M27. The Eastleigh Borough administrative boundary lies to the east of Cutbush Lane.
- 2.3 The site itself contains a small reception and staff office. The site is laid out with concrete hardstanding for the circulation of vehicles with inbuilt drainage tanks to store waste surface water. The cars are washed and vacuumed in separate areas of the site. A purpose built concrete enclosure has been built to house the jet washer pump, and an enclosure for the vacuum cleaners is located within the office building. There is an existing canopy structure on the site, adjacent to the southern site boundary with Brindle House.

## **3. Proposal**

- 3.1 This application seeks retrospective permission to retain the existing car wash use and follows the refusal of two previous applications. Since the refusal of the previous applications, a number of noise mitigation measures have been implemented. The application is accompanied by a detailed sound assessment, which assesses the effectiveness of these measures and which seeks to demonstrate that the noise levels generated by the use can be attenuated to a level that would not be harmful the amenities of the neighbouring occupiers.
- 3.2 These noise mitigation measures are set out in the form of recommendations

within a noise report. These can be read in **Appendix 2** of the report.

- 3.3 With the previous applications, the main area of concern was audibility of the use within the garden of Brindle House (immediately to the south). In summary, the attenuation measures mainly applied by the applicant now includes:
- Enclosures for the jet washer pumps and vacuum cleaners,
  - Quieter nozzles for the jet washers,
  - Sound proof enclosures in between the garden of Brindle House,
  - An acoustic barrier adjacent to the jet washers
  - The extension of the hardstanding (to replace loose stones) and marking of the circulation of vehicles.
- 3.4 Since the serving of a noise abatement notice by the Environmental Health team, the applicant has proposed measures to improve the overall site management to keep noise levels to a minimum by ensuring that vehicle engines are switched whilst being cleaned, and signs are put in place to inform the customers and staff to keep noise levels to a minimum.
- 3.5 The business hours proposed by the applicant are:  
Monday to Saturday 08.00 - 19.00  
Sunday 09.00 - 18.00
- 3.6 The business hours (see condition 2) recommended by the Planning team to are:  
Monday to Friday 08.00 - 18.00  
Saturday 09.00 - 17.00  
Sunday 10.00 - 17.00
- 3.7 It is recommended that the car wash use is granted a 9 month temporary permission (until September). This would enable the Environmental Health and Planning teams to monitor the compliance of the conditions applied, and observe the effectiveness of the noise control measures during the typically busier summer periods.

#### **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 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens.
- 4.3 Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area.
- 4.4 Policy SDP16 (Noise) permits noise generating development where it would not cause an unacceptable level of noise impact.
- 4.5 Paragraph 123 of the National Planning Policy Framework (NPPF) states that the

Local Planning Authority (LPA) should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states the aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Also relevant is the Noise Policy Statement for England 2010, which sets out specific guidance for assessing noise-generating development.

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

## **5. Relevant Planning History**

- 5.1 The site has historically been used for commercial activities. The site was formerly occupied by a tent sales business prior to the unauthorised car wash coming into use. When the retail use ceased, and before the car wash was established, planning permission was granted for a car sales use in 2014 (ref no. 14/00477/FUL). This permission was not implemented (see **Appendix 3** for details) but is extant.
- 5.2 It was brought to the attention of the LPA on 25th November 2014 by a member of the public that the owner of the site was in the process of setting up a car wash business. On 2nd December, the LPA formally instructed the applicant to submit a planning application to regularise the breach of planning control.
- 5.3 Two subsequent applications were refused (14/02110/FUL - April 2015 and 15/01127/FUL - July 2015, see **Appendix 4**) for the retention of the car wash. Both mainly concerned that the car wash use was causing harm to the amenities of the occupiers of Brindle House by:-
- a) noise generated by the associated equipment would result in a level of 'Significant Observed Adverse Effect Level' (as per the guidance under the National Policy Statement for England 2010);
  - b) the nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property are expecting quiet and peaceful enjoyment of their property.
- 5.4 An Enforcement Notice was served on 23rd April 2015 requiring the cessation of the use of the land for the purposes of car washing and car valeting. The applicant has currently ceased trading while they are awaiting the outcome of this 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 (06.10.2015). At the time of writing

the report **3** representations have been received from surrounding residents, and a letter of objection made by a local Ward Councillor referring the application to be heard by the Panel. The following is a summary of the points raised:

6.1.1 Comment

**The noise mitigation measures of the vacuum cleaners and jet washes has not prevented the use from having a negative impact on the quality of life of nearby residents. This includes the noise from customers and their vehicles, and the volume of vehicles entering the site. The noise awareness signs and switching off engines cannot be readily enforced. The location of this commercial use adjacent to a residential use is inappropriate.**

Response

This issue is discussed in more detail in section 7, below. In summary, it is not uncommon for commercial uses to adjoin residential properties and this site has been historically used for commercial purposes, and benefits from an extant permission for a car sales use. Overall, it is considered that the noise mitigation measures installed, particularly in relation to the new surfacing and formalised layout of the site, together with controls to manage the hours of operation and prevent the use intensifying would ensure that the general activity associated with the use will not be unduly harmful.

6.1.2 There will be a level of background noise always associated with customers and staff within in an outdoor environment. The applicant will has put measures in place to ensure their customers and staff respect the peace and quiet of the neighbouring occupiers. The Council would still have statutory powers to enforce against statutory nuisance by serving another noise abatement notice if deemed necessary. The overall management of the site will be monitored and observed over the period of the temporary permission, this will include the summer months when the use is typically at its most intensive. The conditions to control the noise measures and opening times are enforceable by the Council.

6.1.3 Comment

**The noise report with the application is generally lacking in information and as such cannot be relied upon.**

Response

The Environmental Officer and Noise Consultant have responded to this concern (see **Appendix 5**). Whilst Environmental Health officers criticised the methodology of previous noise assessment carried out, the latest assessment has addressed the key issues raised. Furthermore, the Council has independently tested the use and taking noise readings. The Council's response accord with the submitted assessment.

6.1.4 Comment

**No Transport Statement has been submitted to demonstrate that highway safety would not be significantly affected by the level of traffic, increased traffic flow (the car trips would not be linked with the garden centre use as previously with the Tent Sales), and parking generated by the use. The very narrow access is inadequate for the amount of traffic resulting in backing up and congestion of the surrounding area.**

Response

The Highway Officer has not raised a concern that there would be any adverse impact on the free flow of the highway network from the traffic generated by the proposed use, nor that the access is unsuitable or unsafe. It is noted that Haskins Garden Centre are concerned about overspill parking on their land, however, this can be privately enforced by the landowner. It is also important to note that this issue did not form part of the Council's reasons for refusing the previous two applications for the use.

#### 6.1.5 Comment

**There is inadequate drainage of surface waste water. This should be investigated by the Environment Agency.**

#### Response

The Environment Agency have raised no objection to the application. The applicant has confirmed that the surface water drainage is stored in a tank and collected when full. Any leakage elsewhere in the local vicinity can be reported to the SCC Environmental Health team to be investigated further. Southern Water have confirmed that they do not have responsibility for the local drainage. A leak adjacent to the entrance road of Haskins Garden Centre has been reported to the SCC Highways team to investigate further.

### 6.2 **Consultation Responses**

6.2.1 **SCC Highways** - No objection.

6.2.2 **SCC Environment Agency** – No Objection.

6.2.3 **SCC Environmental Health (Pollution & Safety)** - See **Appendix 5**

6.2.4 **Southern Water** – No objection

6.2.5 **SCC Trees** - No objection

### 7. **Planning Consideration Key Issues**

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

- The principle of development;
- The effect on character and the amenity on nearby residents and;
- The effect on highway safety.

7.2 The key issues need to be carefully considered in light of the planning history, particularly in terms of whether the proposal has addressed the previous reasons for refusal.

#### 7.3 Principle of Development

7.3.1 Although the application is considering the use of the land as a car wash retrospectively, the assessment of the impacts of this application should still be made on its own merits. The reuse of the land for commercial purposes can be accepted, in principle, given that the site is not safeguarded for a particular use under the Council's Local Plan. Furthermore, Policies CS6 and CS7 of the Core Strategy safeguards all existing employment sites. A careful assessment of the

noise implications for neighbouring occupiers has been made following the submission of further mitigation measures.

#### 7.4 Character and Amenity

- 7.4.1 The key issue in this respect is the relationship with the nearby residential occupiers and, in particular, Brindle House which shares a common boundary of the site. In considering the previous applications on this site, it was found that the noise generated by the vacuum cleaners and jet washers were highly audible from the garden of Brindle House, breaching noise guidelines and preventing the enjoyment of the garden of the neighbouring property. It was felt that the combination of the noise-generating activities and equipment had a significantly harmful effect on residential amenity.
- 7.4.2 During the course of this application, the Planning and Environment Health Team have reviewed the new mitigation measures extensively, on-site, on a number of separate occasions. This process included the verification of the sound readings set out in the submitted noise report and an observed test of the operation of the car wash with a significant number of vehicles on site. The impact of the use was assessed both on site and from the nearest residential property at Brindle House. A similar series of site visits, tests and observations were carried out by officers when considering the previous applications, meaning officers are able to effectively compare the current arrangements with the previously refused schemes.
- 7.4.3 It was observed, from within the site and the garden of Brindle House, that the mitigation measures applied to the car wash operation have successfully attenuated the noise impact so it no longer has a significant effect on the neighbouring property. It is officers' view that the mitigation measures put in place have resulted in a significant improvement, meaning that the vacuum cleaners and jet washes are no longer audible, above background noise, from the neighbouring property. Furthermore, it is considered that conditions can be applied which are enforceable and reasonable to adequately mitigate the future operation of the use.
- 7.3.4 Two industrial vacuum cleaners are used and housed within the main office building, within an acoustically treated enclosure. As such, although vacuum cleaning of vehicles takes place close to the boundary with the neighbouring property, this operation is no longer audible from the garden. Conditions are suggested to prevent any further vacuum cleaners being used on the site.
- 7.3.5 In addition to this, the jet washers themselves have been adapted to emit a quieter spray of water and the pumps are now secured in a concrete enclosure. The enclosure is secured to ensure that the pressure cannot be readily adjusted thereby increasing noise. Nevertheless, officers observed on site that the power settings of the jet sprays (in test conditions observed) are effective enough to clean a vehicle efficiently. Furthermore, a significant acoustic barrier has been provided between the jet wash bays and the boundary with the neighbouring property, which further limits noise intrusion into the neighbouring residential property. Planning conditions are recommended to ensure that no further jet washers are operated from the site, that the specification of the quieter jet washer is retained along with the acoustic barrier. In addition to this, the applicant has agreed to go above the sound mitigation measures necessary by offering to install

sound cladding adjacent to the southern boundary (adjacent to the garden of Brindle House).

- 7.3.6 The hours of operation recommended by the Planning team are considered to strike a reasonable balance between the business needs of the applicant (compared to other businesses nearby and previous approvals on site), and the amenities of the neighbouring occupiers. The Environmental Health Officer has no objection to the hours originally requested by the applicant, however, the hours recommended can be reviewed following the expiry of the temporary permission.
- 7.3.7 The overall management of the site and the effectiveness of the noise mitigation measures will be monitored and observed over the period of the temporary permission, this will include the summer months when the use is typically at its most intensive.
- 7.3.8 In terms of the effect on character, the use is not readily visible from public vantage points and does relate to the wider commercial context of the Haskins site. The canopy structure on site has existed more than 4 years and is therefore considered to be a lawful structure which is immune from taking any enforcement action against its removal. The lightweight nature and appearance of the canopy structure is not out-of-keeping with the commercial context it sits in, whilst is not highly visible from the garden of the adjacent residential property of Brindle House given the screening of the existing evergreen trees along the boundary. These trees are within the control of the applicant. Other issues such as the impact from external lighting can be controlled by condition.
- 7.3.9 It is recognised that the breach in planning control over the past year has resulted in noise and disturbance to the nearby residential occupiers, causing serious harm to the amenities that they should expect to enjoy. However, the mitigation measures subsequently implemented have given officers confidence that the use can continue to operate without result in further harm to residential amenity. That said, the proximity of the use to neighbouring residential properties, means that a sensitive relationship does exist and, as such, it is considered to be prudent to restrict the use to a temporary permission. This will enable a period of 'real-time' monitoring of the use as well as the ability to test the effectiveness of the recommended planning conditions.

#### 7.4 Highway Safety

- 7.4.1 The local concerns raised with regards to highway safety are noted. The Highway Officer has not raised a concern that there would be any adverse impact on the free flow of the highway network from the traffic generated by the proposed use, nor that the access is unsuitable or unsafe. It is noted that Haskins Garden Centre are concerned about overspill parking on their land, however, this can be privately enforced by the landowner. Furthermore, this issue did not form part of the Council's reasons for refusal when considering the previous two applications on this site.

### 8. Summary

- 8.1 In summary, the impact on the amenities of the neighbouring occupiers has been carefully assessed to ensure that there is no significant affect from noise generated by the car wash use. The Noise Report submitted has demonstrated



that the mitigation measures applied can adequately control the noise impact, which has been observed by officers to be acceptable. The effectiveness of the controls and overall management of the site will be further monitored over the next 9 months to include the typically busier periods during the summer. This will be further reviewed through the submission of an application once the temporary period has finished.

## **9. Conclusion**

- 9.1 In conclusion, the impacts on the development are considered to acceptable, whilst conditions can be used mitigate the impact to make the development acceptable. It is therefore not considered to be contrary to paragraph 123 of the NPPF and other relevant Council policies and guidance.

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

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

### **SB for 08/12/15 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Temp use**

The use hereby permitted shall be discontinued at or before the expiration of 8 months from the date of this permission, the period specified in this permission being 8th August 2016.

Reason:

To enable the Local Planning Authority to give further consideration to this use at the expiration of this permission having regard to the circumstances existing at that time and to monitor whether the controls of noise and hours of business are effective in minimising their impact on the amenities of the neighbouring occupiers.

#### **02. APPROVAL CONDITION - Hours of Use [Performance Condition]**

The uses hereby permitted shall not operate (meaning that customers shall not be present on the premises and no associated equipment shall be operated) outside the following hours:

Monday to Friday	08.00 to 18.00 hours
Saturday	09.00 to 17.00 hours
Sunday and recognised public holidays	10.00 to 17.00 hours

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

Reason:

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

### **03. APPROVAL CONDITION - Jet Washers**

There shall be no more than 2 jet washers installed on the site and in operation at any one time. The Jet Washers and associated equipment (including the nozzle and pump system) shall be retained and maintained in accordance with the manufacturers specification submitted with the application. The pump enclosure shall be kept secured locked at all times except for times of necessary maintenance.

Reason:

To ensure that the noise levels from the jet washers are controlled at an adequate level to minimise the disturbance to the amenities of the neighbouring occupiers.

### **04. APPROVAL CONDITION – Vacuum Cleaners**

No more than 2 vacuum cleaners shall be operated at one time. The vacuum cleaners shall be kept within the purpose built enclosures at all times whilst in operation.

Reason:

To minimise the noise disturbance to the amenities of the neighbouring occupiers.

### **05. APPROVAL CONDITION - Noise measures**

The development shall be implemented in accordance with the recommendations for noise mitigation measures as set out on page 14 of the noise report (ref no. SA-3687/RV.02) submitted with the application and the measures installed shall thereafter retained and maintained.

Reason:

In the interests of the protecting the amenities of the neighbouring occupiers by minimising noise disturbance.

### **06. APPROVAL CONDITION - Drainage**

The development shall be retained and maintained in accordance with the drainage measures installed.

Reason:

In the interests of ensuring that no adequate surface water drainage to prevent flooding and pollution.

### **07. APPROVAL CONDITION - Acoustic barrier**

Within 2 months of the date of this permission hereby granted, details of an acoustic cladding barrier adjacent to southern boundary of the site shall be submitted and agreed in writing by the Local Planning Authority. The barrier shall thereafter be installed as agreed. The barrier shall be retained and maintained for the duration of the use hereby approved.

Reason:

In the interests of the protecting the amenities of the neighbouring occupiers by minimising noise disturbance.

### **08. APPROVAL CONDITION - New Lighting**

Prior to the first operational use of external lighting within the site, the details of lighting shall be submitted to and agreed in writing to the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

Reason:

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

**09. APPROVAL CONDITION - Existing lighting**

Within 2 months of the date of this permission hereby granted, details of the external lighting shall be submitted and agreed in writing by the Local Planning Authority. The lighting shall thereafter be replaced or modified as agreed within 1 month. The lighting installed shall be retained and maintained for the duration of the use hereby approved.

Reason:

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

**10. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP17	Lighting

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

### Recommendations:

- ✓ It is proposed that in order to reduce noise levels further, a 2.4m high acoustic screen should be installed. This screen should be 15 – 18m in length, 2.4m in height and ensure that the jet washing activity is carried out centrally to that of the screen. The screen should be continuous in length with no gap, sealed to the floor and have a minimum surface density of 13 kg/m<sup>2</sup> or higher. The inner face of the screen should be lined with heavy duty plastic sheeting in order to protect the screen from excessive water ingress.
- ✓ Ensure that engines are switched off when not required in order to reduce engine idling noise within the immediate vicinity.
- ✓ Lock the door leading from the cabin to the main yard. (Completed)
- ✓ Secure the Hoover cupboard door to ensure it closes properly. (Completed)
- ✓ Install small wall vents to the Hoover cupboard to allow for suitable ventilation to ensure the units do not overheat. (Completed)
- ✓ Install noise awareness signs to make patrons aware of the close proximity of the neighbouring property. The signs should be positioned in several places around the site to inform staff and customers of the requirements to keep noise levels to a minimum.
- ✓ Upgrade the Jet Wash Nozzles to quieter units and reduce the pressure on the system to lower the activity noise from the nozzle itself. (Completed)

14/00477/FUL/3546



**DETERMINATION OF APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Town and Country Planning  
(Development Management Procedure) (England) Order 2010**

Primmer Olds  
Mr Patrick Mattison  
61 Cromwell Rd  
Southampton  
SO15 2JE

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

**FULL APPLICATION - CONDITIONAL APPROVAL**

**Proposal:** Change of use from sale of camping equipment to sale of cars  
**Site Address:** Former Leisure Trail Site Mansbridge Road Southampton SO18 3HW  
**Application No:** 14/00477/FUL

Subject to the following conditions.

**01.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).

**02.APPROVAL CONDITION - Approved Plans**

With the exception of the layout of the parking for the sale of cars, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below. The car parking layout shall be the subject of further details to be agreed in writing with the Local Planning Authority as set out in the conditions of this decision notice..

**Reason:**

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

03. APPROVAL CONDITION - Parking Layout and Landscaping [Pre-Occupation Condition]

Notwithstanding the submitted layout plan the use of the land for car sales shall not be brought into use in full or in part until such time as further details have been agreed for the following :

1. Details of a physical barrier to be provided within the site to provide a 2m wide landscape buffer between the cars and the south-east (along Cutbush Lane) and south-west (adjacent to Brindle House) boundary's of the site.
2. Details of additional planting to take place within this 2m buffer zone, including species, planting timetable and landscape management plan.

The use shall only begin once the approved details for the barrier have been installed on site. At no time shall any car or vehicle be parked, stored, driven or otherwise be placed within the landscape buffer zone.

All approved new planting shall take place within the first planting season following first use of the site for car sales and shall be retained and maintained with the car sales use is operational

Reason:

In the interests of the visual amenities of the area and to protect the residential amenity of the adjacent occupiers.

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

The car sales hereby permitted shall not operate (meaning that customers shall not be present on the premises, no sale or delivery of cars) outside the following hours:

Monday to Friday	09.00 hours to 18.00 hours	(9.00am to 6.00pm)
Saturday	10.00 hours to 17.00 hours	(10.00am to 5.00 pm)
Sunday and recognised public holidays	10.00 hours to 16.00 hours	(10.00am to 4.00pm)

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

Reason:

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

05. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

The use shall not commence until a scheme for the disposal of foul water and surface water drainage and measures to prevent oil and other pollutants from entering the drainage system (natural or piped) have been submitted to and approved in writing by the Local Planning Authority .

Reason:

To ensure satisfactory drainage provision for the area.

06. APPROVAL CONDITION - Car sales - No ancillary uses (Performance Condition)

The proposed development must not include any other vehicle related uses such as car repair and valeting, car scraping, car hire and car wash unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of the wider area.

## 07.Approval Condition - Lighting Restrictions - Performance Condition

No external lighting or floodlighting shall be installed or operated within the site without details of the position, height, luminance and numbers of lights being first agreed in writing with the Local Planning Authority.

**REASON**

To safeguard the character and amenity of the area and the residential amenity of the adjacent occupiers.



**Chris Lyons**  
**Planning & Development Manager**

16 June 2014

If you have any further enquiries please contact:  
**David Nip**

**Reason for granting Planning Permission**

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

Policies - SDP1, SDP7, SDP9, SDP11, SDP16, SDP17 and SDP21 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the adopted Residential Design Guide SPD (September 2006) and the Parking Standard SPD (September 2011).

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
		Location Plan	19.03.2014	Approved
AREA 2 HA		Site Plan	19.03.2014	Approved
AREA 2 HA		Parking Layout Plan	19.03.2014	Approved
		Planning Statement	19.03.2014	Approved



SCHEDULE:  
SALES OFFICE 169 SQ MTRS (1815 SQ FT)  
SALES PARKING: 64  
STAFF PARKING: 2  
CUSTOMER PARKING: 4 (inc. 1 disabled)

PROPOSED SITE LAYOUT  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 445489 , 115272



14/02110/FUL/3546

**DETERMINATION OF APPLICATION****TOWN AND COUNTRY PLANNING ACT 1990****Town and Country Planning (Development Management Procedure) (England) Order 2015**

Laemco Ltd  
 Joseph Tierney  
 42 Lower St Helens Road  
 Hedge End  
 Southampton  
 SO30 0LU

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

**FULL APPLICATION - REFUSAL**

**Proposal:** Change of use to car wash and valet (class sui generis)  
**Site Address:** Leisure Trail Mansbridge Road Southampton Southampton  
**Application No:** 14/02110/FUL

For the following reason(s):

01.REASON FOR REFUSAL - Adverse noise and amenity impact  
 The noise generated by the equipment associated with the car wash use is considered by the Local Planning Authority, in consultation with colleagues in Environmental Health, to be harmful resulting in a level of 'Significant Observed Adverse Effect Level (SOAEL) to the detriment of the existing amenity of the neighbouring occupiers. Furthermore, the nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property Brindle House are expecting quiet and peaceful enjoyment of their property. As such, this would cause an undue disturbance to these occupiers. As such the proposal will have an unacceptable impact on residential amenity and is therefore contrary to saved policies SDP1(i) and SDP16 of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant paragraphs (123) of the National Policy Planning Framework (2012) and Noise Policy Statement for England (2010).

  
**Simon Rowberry**  
**Planning & Development Manager**

20 April 2015

For any further enquiries please contact:  
**Stuart Brooks**



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

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Laemco Ltd  
 Joseph Tierney  
 42 Lower St Helens Road  
 Hedge End  
 Southampton  
 SO30 0LU

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

**FULL APPLICATION - REFUSAL**

**Proposal:** Change of use to car wash and valet (class sui generis) (resubmission)  
**Site Address:** Leisure Trail Mansbridge Road Southampton SO18 3HW  
**Application No:** 15/01127/FUL

For the following reason:

**01. REASON FOR REFUSAL - Adverse noise and amenity impact**

The noise generated by the equipment associated with the car wash use is considered by the Local Planning Authority, in consultation with colleagues in Environmental Health, to be harmful resulting in a level of 'Significant Observed Adverse Effect Level (SOAEL) to the detriment of the existing amenity of the neighbouring occupiers. Furthermore, the nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property Brindle House are expecting quiet and peaceful enjoyment of their property. As such, this would cause an undue disturbance to these occupiers. As such the proposal will have an unacceptable impact on residential amenity and is therefore contrary to saved policies SDP1(i) SDP7 and SDP16 of the City of Southampton Local Plan Review (Adopted March 2006) as supported by the relevant paragraphs (123) of the National Policy Planning Framework (2012) and Noise Policy Statement for England (2010).

**Samuel Fox**  
**Planning & Development Manager** JT  
 31 July 2015

For any further enquiries please contact: **Stuart Brooks**

**Mr S Brooks**  
Development Management  
Southampton City Council  
Ground Floor  
Civic Centre  
Southampton, SO14 7LS

3rd November 2015

Dear Stuart

**RE: DIDA CAR WASH, MANSBRIDGE ROAD, SOUTHAMPTON**

With reference to our recent site meeting and the comments received from both the local residents and MD Associates, we are now pleased to submit our further comments as requested.

1. We would like to confirm that all measurements of the jet wash process has been carried out with both lances operating at the same time with numerous measurement not exceeding  $L_{Aeq}$ , 73 dB. This has been witnessed and verified by Peter Wainwright from Southampton City Council.
2. The effects of the acoustic screen have been detailed within our initial acoustic report and the 3D modelling software verified as accurate.
3. The pumps within the concrete external housing have now been reduced in pressure and the cabinet locked to ensure continuing stability of these operational levels.
4. The hoovers are now contained within a purpose built enclosure contained within the main building itself. This has been sufficiently ventilated to external environments to ensure the required air flows are achieved across the hoover unit to ensure the enclosure can remain sealed.
5. It has been agreed and witnessed by several parties involved, including the complainants and representatives from Southampton City Council that the hoover noise and activity is inaudible within their rear garden space.
6. BPM (Best Practical Means) have been adopted with the inclusion of Noise Awareness Signs, engine switch offs and speed limitations on the site. The internal management structure plan should implement and control these items to make every effort to reduce site noise levels. These items will have a positive effect on local residents.
7. Our supplementary noise report uses the 3D modelling software CADNA A to calculate and predict the effects of the implemented acoustic works and generated working 3D models the reflect the recorded verified noise levels. Detailed information is contained within our robust noise report of which the information and data can be relied upon as accurate for this particular site.
8. It was a good and productive meeting on site with the local residents having an opportunity to witness the improvements made. The complainant's comments of "I agree the noise levels from the jet washes seem to have been significantly reduced" were reassuring positive comments from the local residents.

Unit 2 West Links, Tollgate, Chandlers Ford, Hampshire, SO53 3TG

0800 180 4005  
023 8025 4774  
info@soundadviceacoustics.co.uk

VAT Number 837 5774 82 Company Number 4691799



UKAS Accreditation for Building Regulations Approved Document E

9. A recommendation has been made for the back wall to be lined with an absorption panel. This should be installed full height along the entire length of the canopied area as agreed. ArmaSound data sheet attached for reference purposes. Sound Advice Acoustics Ltd are able to supply this material. This will minimise the reverberant sound within the canopy area and further reduce any activity noise level that may or may not be audible within the neighbouring garden area.
10. National Planning Policy Framework 2012 Paragraph 14 of the NPPF is very clear in its direction to Local Authority that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, or specific policies in the framework indicate the application should be restricted.
11. Based on the calculations and assessments made within our reports it is the professional opinion of Sound Advice Acoustics Ltd that the proposed plant can operate within the requirements of BS 4142 : 2014, the National Planning Policy Framework 2012, NPPF & NPSE and that, with regards to sound, the council are directed to grant planning permission.




I trust the above comments are of value and should you wish to discuss further then please do not hesitate to contact me.

Yours Sincerely,



Mr Brian Scrivener. MIOA  
DIRECTOR  
Sound Advice  
ACOUSTICS LTD

Unit 2 West Links, Tollgate, Chandlers Ford, Hampshire, SO53 3TG

 0800 180 4005  
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**LEISURE TRAIL MANSBRIDGE ROAD SOUTHAMPTON - 15/01903/FUL**

**CHANGE OF USE TO CAR WASH AND VALET (CLASS SUI GENERIS) AND ENCLOSURE TO JET WASH (RESUBMISSION)**

**ENVIRONMENTAL HEALTH CONSULTATION RESPONSE - 3 NOVEMBER 2015**

Following a careful perusal of the associated documents in relation to this planning application, 15/01903/FUL for Change of use to car wash and valet (class sui generis) and enclosure to jet wash (resubmission), in particular with reference to the Acoustic Report , produced by Sound Advice Limited, dated, 14th September 2015, (Report Reference: SA – 3687 / RV.02) and following an observational site visit on 30 October 2015, (Attended by the applicant, his Acoustic Consultant, Mechanical Service engineer, Planning Officers, Environmental Health Officers, Councillors and local residents ) our Service have concluded that we have **no objections** to make to the current planning application.

When we are consulted on such applications we must give due regard to the National Planning Policy Framework 2012 (NPPF) and the Noise Policy Statement for England 2010 (NPSE).

We must also look at the application on its own merit, despite previous noise related issues at the site, including the service of a Noise Abatement Notice, dated 17 March 2015.

The current Acoustic Report has concluded that the BS 4142: 2004 noise assessment has this time resulted in a "NOEL – No Observed Effect Level"

*(This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.)*

This level has been achieved because the noise mitigation measures outlined in the report have been implemented and these measures, together with additional works, were verified during the site visit on 30 October 2015.

In summary the following noise reduction measure have now been implemented:-

1. The erection of a 2.4m high substantive acoustic screen.
2. The construction of a new more robust acoustic cabinet which houses two commercial vacuum cleaners.
3. A number of noise awareness signs have now been positioned in various locations
4. The jet wash nozzles have been replaced and the pressure on the system to lower the activity noise from the nozzle itself has been reduced.

5. The water pump housing has been sound attenuated further and is now under lock and key.
6. The substantive pebbled area has now been fully concreted.
7. The site has been marked out with surface markings to enable better customer management.
8. The erection of a metallic sections at the boundary between the site and Brindle House.

Futhermore, the noise levels from the jet washes have been verified to be correct and a number of cars, including the neighbours from Brindle House, were washed effectively to demonstarte that the nozzle pressure levels were workable and not simply reduced to pass the noise criteria.

The subjective observations from the garden of Bridle House next to the site on 30 October 2015 revealed that noise from the two jet wash nozzles whilst in operation was almost inaudible and likewise with the vaccum cleaners. Some voices were discernable if conversation was loud in some parts of the neighbours garden closest to the boundary and there was still concerns from the neighbour about noise from car doors being shut, car horns and engines left running. However, the applicant countered this by saying they have a policy to have engines switched off whilst washing and cleaning cars because of safety reasons and that they have a new management structure in place to ensure better operational noise control. Furthermore they denied they would slam doors, as this would upset their customers. The road traffic noise from the M27 was also prevalent and as the area is in a flight path aircraft noise could also be heard intermitantly too. There is also a sports field on the other side of Brindle House which is used on a weekend.

There are still concerns about noise disturbance from the "intensification" of the site use detailed in the letter from James Brown and Jane Hobbs, received via email on 2 November 2015 and the applicant freely admitted that he would like the site to be busy and voluteered to clad the metallic fence and roofing area as required with suitable acoustic cladding in order to reduce noise levels further.

With regards to the letter of objection from MDA dated 21 October 2015, they seem to be basing their concerns about noise issues on a "significant adverse effect" and from the facts we have at our disposal this is not correct for the current application. Sound Advice Limited are best placed to comment in detail on this correspondence and I have asked them to write to Stuart Brooks, Planning Officer in order to respond accordingly.

In light of the neighbours concerns about possible noise issues we would support any further noise mitigation measures but cannot justify recommending unreasonably resticitive hours of use as we cannot require this in light of the "NOEL – No Observed Effect Level Assessment."

We would consider hours of operation of Monday – Saturday 8:00am -7.00pm and Sunday – 9:00am – 6:00pm has reasonable.

Furthermore we would recommend a condition to be framed in relation to ensuring that the applicant submits a detailed scheme of suitable additional acoustical works in the canopy area to address the intensification of use noise issue.

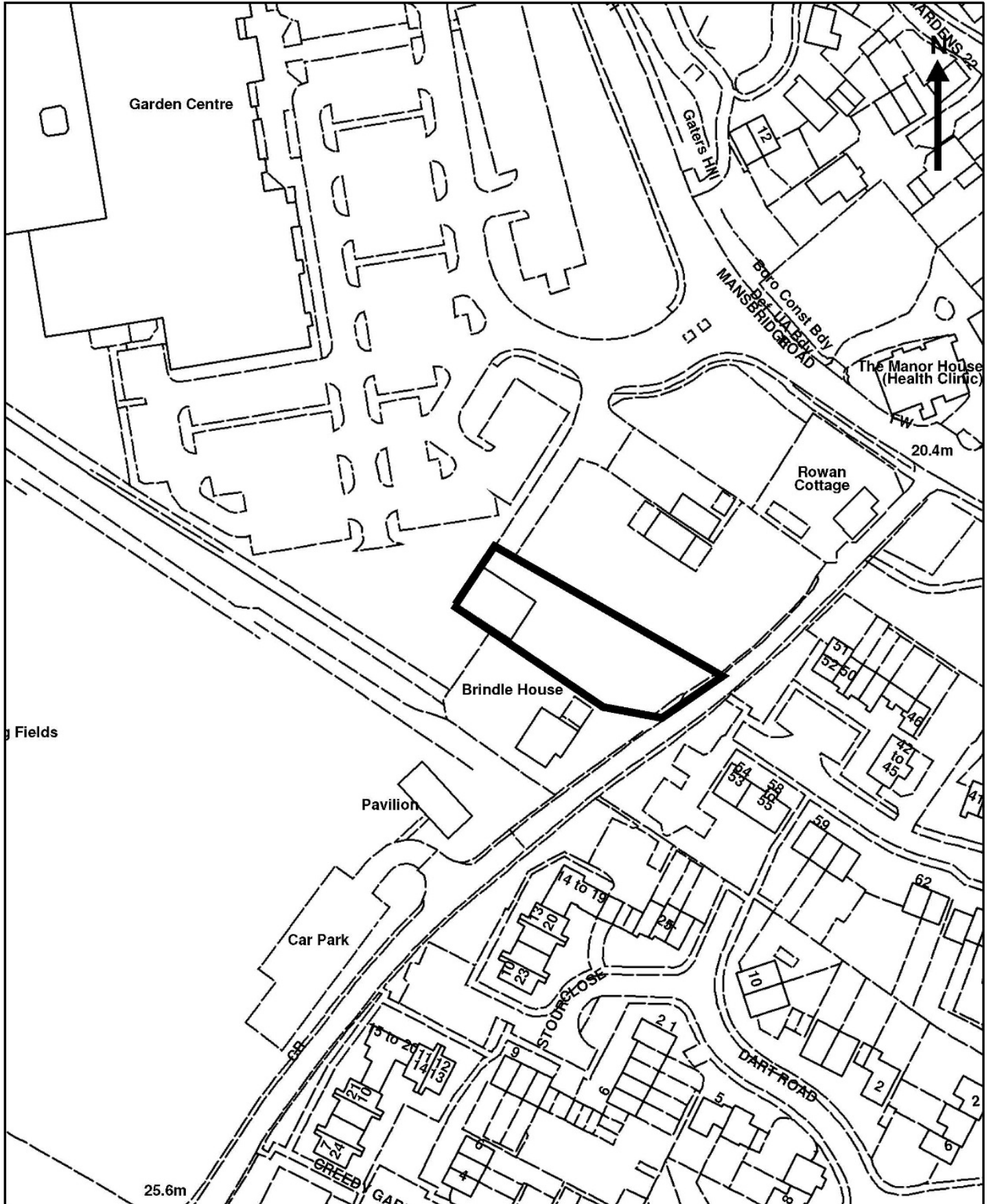
*P.D. Wainwright.*

P D Wainwright  
Principal Environmental Health Officer

*R Walling*

R Walling  
Environmental Health Team Leader





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# Agenda Item 9

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) - 8 December 2015  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 53 Victoria Road, SO19 9DZ			
<b>Proposed development:</b> Redevelopment of site and the stopping up of a public footpath. Erection of 4 dwellings (4 x 3 bed) (1 x 3 storey and 3 x part 3 storey with rooms in the roof) with associated parking and amenity space. (Outline application seeking approval for access, layout and scale)			
<b>Application number</b>	15/00157/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	14.12.15	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors</b>	Cllr Chamberlain Cllr Hammond Cllr Payne
<b>Applicant:</b> Omega Phi Ltd		<b>Agent:</b> n/a	
<b>Recommendation Summary</b>		<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>	
<b>Community Infrastructure Levy Liable</b>		<b>Yes</b>	

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with the development plan as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies		

## Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.111 Agreement to secure contributions towards the Solent Development Mitigation Plan.

## **1. The site and its context**

- 1.1 This application site is located within Woolston, to the south of the district centre. The location is well connected by walking to city wide public transport links. The surrounding area is mainly characterised by a mix of housing and flatted development including the high density modern Centenary Quay development. The east side of Victoria Road adjacent to the site is characterised by 2-storey dwellings in a terraced row.
- 1.2 The site itself previously formed part of the 2-storey terraced row, comprising of commercial units (cafe and newsagents) on the ground floor with residential above. The site has been derelict for the previous 2 years which has a harmful impact on the appearance and vitality of Victoria Road.
- 1.3 The site is accessed from both Victoria Road and Thornycroft Avenue. There is a change in levels across the site, with Thornycroft Avenue being approximately 1-storey lower than Victoria Road. A footpath links Victoria Road to Thornycroft Road from west to east along the northern edge of the site. The access to the footpath from both ends has been historically closed off to the public by fencing.

## **2. Proposal**

- 2.1 The current proposal to erect 4x3 bed houses supersedes the original submission to erect a 4/5 storey building containing 8 flats. The changes to the development also include the incorporation of the footpath along the northern edge of the site, where the footpath would be stopped up in order to facilitate more efficient and effective development of the site.
- 2.2 The proposal will consist of 4 dwellings at 2 storey level fronting Victoria Road and 3 storeys backing onto Thornycroft Avenue, taking into account the split levels of the site. Three of the properties will have accommodation in the roofspace and access to a rear facing balcony and its own garden space, whilst the fourth property will have access to a smaller external garden space at the rear. There are 2 on-site parking spaces being provided with access to bin collection from Thornycroft Avenue.
- 2.3 This application is being considered for outline permission where the design and appearance and landscaping (planting and surface treatment) of the development will be determined at a later stage under reserved matters.

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

- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council's strategic target for housing supply.
- 3.5 Policy CS5 (Housing Density) of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

#### **4. Relevant Planning History**

- 4.1 There is no relevant planning history on this site.

#### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the amended plans a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (10.11.15). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 Comments  
**Loss of a public right of way.**

##### Response

The Highway Officer has raised no objection to stopping up the footway. They have commented that the route is not desirable as it is not the safest given the dead frontages along the route, and the route has low level of demand given that it has been historically blocked from public use.

5.1.2 Comments

**Pressure on on-street parking.**

Response

With good public transport facilities nearby (approximately 400m walk), it is considered that less parking than the maximum standard is acceptable for this development.

5.1.3 Comments

**The flatted scheme represent an overdevelopment.**

Response

The amount of development has been significantly reduced following the submission of amended plans and is no longer for flats.

5.1.4 Comments

**Out of keeping with appearance of adjoining properties.**

Response

The scale and form of the buildings relate well to the adjoining terraced row. The plans show basic detail of the overall appearance which can be shown in more detail once a reserved matters application has been submitted.

**Consultation Responses**

5.2 **SCC Highways** - No objection.

5.3 **SCC Housing** – Supports regeneration of the derelict site.

5.4 **SCC Sustainability Team** – No objection.

5.5 **SCC Design Team** – No objection, the reduced scale and form of the development is much improved.

5.6 **SCC Environmental Health (Pollution & Safety)** - No objection.

5.7 **SCC Environmental Health (Contaminated Land)** - No objection, subject to carrying out land contamination risk assessment.

5.8 **SCC Ecology** – No objection, subject to protecting nesting bird sites.

5.9 **Southern Water** – No objection, subject agreeing details of means of foul and surface water sewerage disposal.

**6. Planning Consideration Key Issues**

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

- Principle of Development;
- Impact on Character and Amenity;
- Impact on Highway Safety and;
- Effect on protected habitats.

## 6.2 Principle of Development

- 6.2.1 The redevelopment of this previously developed land for further residential use is considered to be acceptable in principle. The proposal would make more efficient use of the derelict land whilst contributing towards the city's family housing needs. The proposal is subject to an assessment of the material considerations as set out below.

## 6.3 Impact on Character and Amenity

- 6.3.1 The site is currently in a state of dereliction and is causing a negative impact on Victoria Road. The applicant is seeking permission to redevelop the site to provide family dwellings.
- 6.3.2 The applicant has worked with officers to modestly scale down the level of development. The scale and form of the development relates well to the plot widths and scale of the adjoining terraced row on the east side of Victoria Road. The detailed design of the overall appearance of the proposed dwellings with regards to window and door openings would be agreed with the submission of an application to agree reserved matters. It is considered that a modern interpretation to the appearance of the buildings would not be out of character, especially given the modern style of housing built within the nearby Centenary Quay development.
- 6.3.3 The internal and external layout of the proposed dwellings is considered to provide a good quality living environment for future occupiers.
- 6.3.4 The replacement buildings, which would have a similar scale and footprint to the existing, will ensure that there would be no further noticeable impact on the amenities of the neighbouring occupiers in terms of access to privacy, outlook and light.

## 6.4 Impact on Highway Safety

- 6.4.1 The Highway Officer has raised no objection to stopping up of the footway. They have commented that the route is not desirable as it is not the safest given the dead frontages along the route, and the route has small level of demand given that it has been historically blocked for public use.
- 6.4.2 The Highway Officer has raised no concerns regarding the impact to highway safety and on-street parking pressure from the traffic and parking generated by the new housing. In particular, they have commented that with good public transport facilities nearby (approximately 400m walk), it is considered that less parking than the maximum standard is acceptable for this development.

## 6.5 Other Matters

- 6.5.1 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 £174 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 has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.5.2 The payment for the SDMP can be secured under delegated powers.

## **7. Summary**

7.1 The proposal is considered to positively contribute to the local area by providing good quality family housing whilst regenerating the derelict site. The proposal is considered not to adversely affect the amenities of the neighbouring occupiers and highway safety. Therefore, the proposal can be supported.

## **8. Conclusion**

8.1 In conclusion, the proposal is considered to have an acceptable impact. This will be in accordance with the Council's policies and guidance and therefore is recommended for approval.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

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

### **SB for 08/12/15 PROW Panel**

## **PLANNING CONDITIONS**

### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed, the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings and the scale, massing and bulk of the structure of the site is approved subject to the following:

- (i) Written approval of the details of the reserved matters of appearance and landscaping shall be obtained from the Local Planning Authority prior to any works taking place on the site. Details shall include the appearance and architectural design specifying the external materials to be used, and the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.



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- 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.

**03. 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.

**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 - 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

**06. APPROVAL CONDITION - Refuse & Recycling [Pre-Occupation Condition]**

Before the dwellings hereby approved first come into occupation storage for refuse and recycling shall be provided in accordance with details to be first approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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.

**07. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]**

Before the dwellings hereby approved first come into occupation storage for bicycles shall be provided in accordance with details to be first approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

**09. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)**

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, 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.

**10. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)**

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

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

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

The external amenity space serving the dwellings 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 it at all times.

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

**12. 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)

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 and the neighbouring occupiers.

**13. APPROVAL CONDITION - Parking [Pre-Occupation Condition]**

The development to which this consent relates shall not be occupied in full or in part until space has been laid out within the site in accordance with the plan number SITE PLAN REV. 6 for 2 vehicles to be parked and for vehicles.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

**14. 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).

**15. 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).

**16. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]**

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the northern elevations/roof covering of unit 1 other than those illustrated on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity and privacy of the adjacent property.

**17. APPROVAL CONDITION - Approved Plans**

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

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

Informative:

After obtaining planning permission the applicant should contact the Council's Legal Services team to enter the legal process to formally close the footpath.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS19	Car and Cycle parking
CS20	Sustainability
CS22	Biodiversity
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscaping
H1	Housing supply
H2	Previously developed land
H7	Residential environment

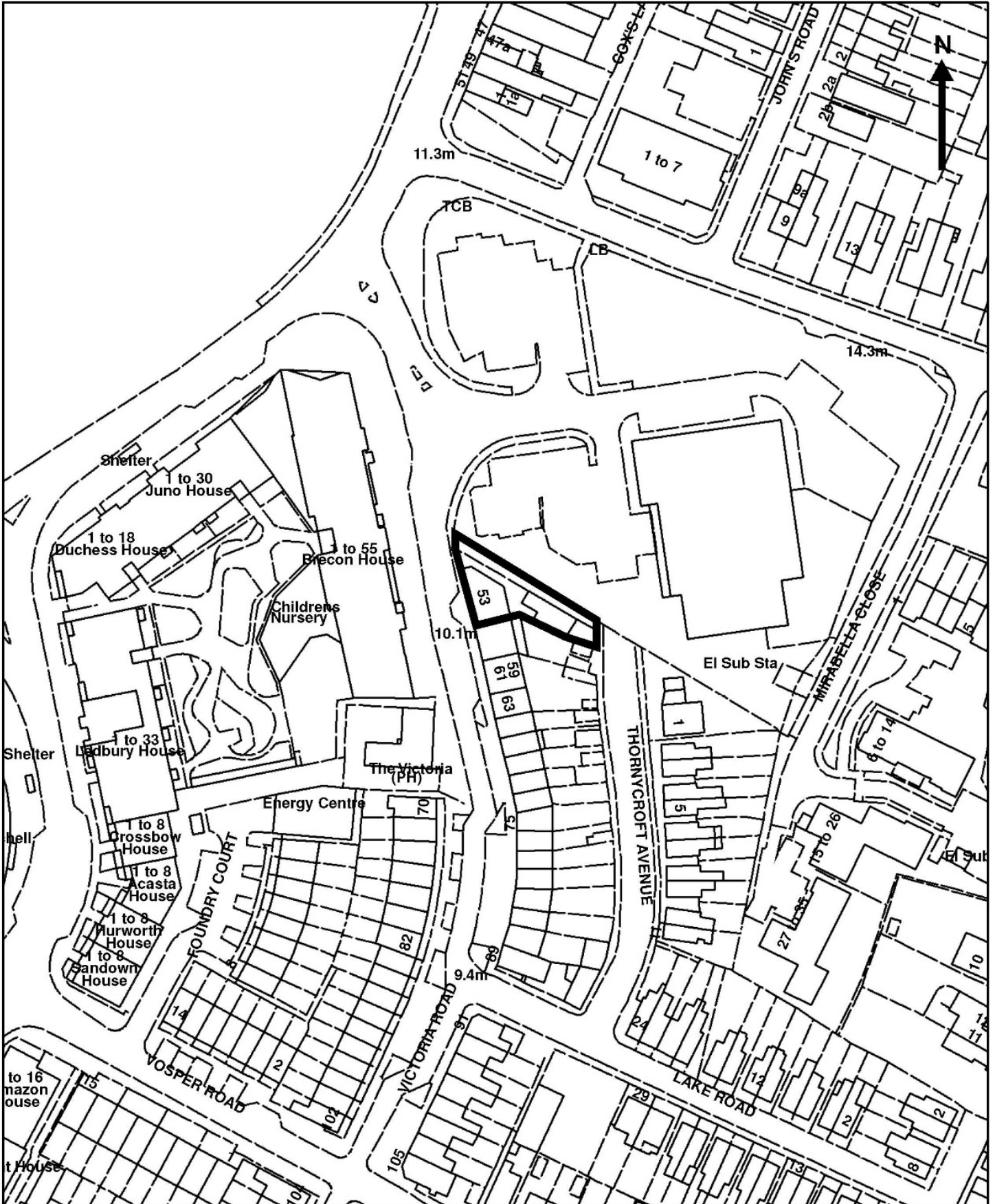
Supplementary Planning Guidance

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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