

Planning and Rights of Way Panel (EAST)

Tuesday, 27th October,
2015

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)

Councillor Hecks

Councillor Tucker

Councillor Coombs

Councillor Wilkinson

Contacts

Democratic Support Officer

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Planning and Development Manager

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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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

Public Representations

Procedure / Public Representations

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

Southampton City Council's Priorities

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

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

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

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

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

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

Dates of Meetings: Municipal Year 2014/15

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

Planning and Rights of Way - WEST	
2015	2016
2 June 2015	9 February 2016
14 July	22 March
25 August	3 May
6 October	
17 November	
22 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

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

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

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

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

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

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

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

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

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 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 - 10)

To approve and sign as a correct record the Minutes of the meeting held on 15 September 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 LAND AT TEST LANE 14/01911/FUL (Pages 15 - 78)

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.

6 224 PORTSWOOD ROAD, PART OF THE FORMER PORTSWOOD BUS DEPOT AT THE JUNCTION OF PORTSWOOD ROAD AND BELMONT ROAD, SO17 2LB 15/01510/FUL (Pages 79 - 112)

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

7 FORMER OAKLANDS SCHOOL (OASIS ACADEMY LORDSHILL), FAIRISLE ROAD, SO16 8BY 15/00340/OUT (Pages 113 - 162)

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

8 18A UPPER BANISTER STREET, SO15 2EF 15/01624/FUL (Pages 163 - 184)

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 10-11 BEDFORD PLACE, SO15 2DB 15/01470/FUL (Pages 185 - 198)

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, 19 October 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (EAST)
MINUTES OF THE MEETING HELD ON 15 SEPTEMBER 2015

Present: Councillors Hecks, Tucker (Vice-Chair), Coombs, Wilkinson and Mintoff

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

The Committee noted that apologies had been received from the Chair, Councillor Denness.

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

COUNCILLOR TUCKER IN THE CHAIR

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

RESOLVED that the Minutes of the Meeting held on 4 August 2015 be approved and signed as a correct record subject to the following amendment:-

Minute No 12 – Vacant Site at Test Lane, 14/01911/FUL, Page 12 – third paragraph, first line should read “Mr Campbell (representing **Redbridge** Residents Association/objecting)...”.

20. **BITTERNE PARK SECONDARY SCHOOL, 15/01349/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.

Partial redevelopment of the school site, including demolition of some existing buildings, erection of a new 3-4 storey teaching building and single-storey activities hall, and laying out of reconfigured playing field space together with landscape and access works (new main school entrance to be from Dimond Road).

Mr Woodhouse (Local Resident/objecting), Mrs Trigger (Headteacher, Bitterne Park Secondary School/supporting) and Councillor Jeffery (Cabinet Member for Education and Children’s Social Care/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) an amendment had been made to Recommendation 1 and that additional requirements (ix) and (x) had been added to the Internal Undertaking;
- (ii) two additional conditions had been added to the report;

- (iii) paragraph 5.30 – SCC Flood Risk Management, third line should read “However, as maintenance requirements have yet to be established... (should have added) “apply sustainable drainage condition”. Sustainable Drainage requirements are already covered by condition 30; and
- (iv) SCC Tree Team - Although the updated tree information provided since the delegated report was written has resolved a few of the issues there are still concerns regarding the level and quality of the tree information provided in particular the removal of A2 category trees. The Tree Team are open to further discussions to improve the situation – improvements can be in the longer term. Recommended conditions must remain.

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the conditions listed in the report and the additional and amended conditions set out below; and
- (ii) the Council receiving no direction to call in the scheme from the National Planning Casework Unit in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 following objection from Sport England;
- (iii) the completion of an Internal Undertaking to secure the requirements listed in the report and the two additional requirements detailed below:
 - Construction Traffic Management Plan.
 - Lorry Routing Agreement; and
- (iv) the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Internal Undertaking Agreement and/or conditions as necessary.

Amended Conditions

3 APPROVAL CONDITION – Use Restriction (Performance Condition)

Amend as follows:

“.....provisions of the Town and Country Planning (General Permitted Development) Order **2015** (as amended)....”

7 – APPROVAL CONDITION – Construction Plan (Performance Condition)

Amend condition to ensure that times of the deliveries relating to the construction traffic are submitted to and agreed in writing by the local planning authority prior to the commencement of the development.

Reason : To avoid congestion, reduce conflicts at the start and end of the school day and safeguard public safety in the local neighbourhood.

Additional Conditions

36. APPROVAL CONDITION – Aerodrome Hazard Management (Performance Condition)

The hereby approved development will be carried out and occupied in accordance with the Bird Management Hazard Plan dated 23/07/2015. No individual tree, shrubs or stands of trees planted as part of the landscaping scheme shall be permitted to grow above a height of 36m AOD.

Reason:

To safeguard the nearby aerodrome.

37. APPROVAL CONDITION – Phasing Plan (Performance Condition)

The hereby approved development will be carried out in accordance with the “Overall Programme of Works” as set out in the submitted Construction Management Programme.

Reason:

To ensure that the site can be continually used for education purposes.

21. **488-496 PORTSMOUTH ROAD, 15/01158/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.

Re-development of the site. Demolition of the existing buildings and erection of two-storey buildings to provide 20 dwellings (two x two-bedroom, eight x three-bedroom houses and 10 x four-bedroom houses) with associated access, parking and other facilities).

Mr Churcher (Local Resident/objecting), Mr Puplampu (Architect/supporting) and Councillor Jeffery (Ward Councillor/supporting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that:-

- (i) the description of development was amended to omit reference to three-storey buildings;
- (ii) a response had been received from the Tree Team raising no objections subject to additional conditions; and
- (iii) there was an amendment in the report in respect of the previous use of the site which was storage and distribution (use class B8) rather than general industrial.

The Panel voted to require an alternative approach to the external materials to replace the tile-hanging sections. The external materials would be considered at a subsequent Panel Meeting.

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant planning permission subject to the completion of a Section 106 Legal Agreement, the conditions listed in the report and the amended and additional conditions set out below;

- (ii) that in the event that the Legal Agreement is not completed within two months of the date of this decision, the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement; and
- (iii) that the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 Legal Agreement and/or conditions as necessary.

Amended Conditions

05 – APPROVAL CONDITION - Landscaping

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 or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- (iv) details of any proposed boundary treatment **including 1.8 metre fencing to the western side boundary with neighbouring residential gardens, 1.8 metre brick wall to the boundary with the rear garden of 498 Portsmouth Road and boundary treatment of no more than 0.6 metres height adjacent to the entrance to the site** 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

07 – APPROVAL CONDITION - Permitted Development Restriction

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

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

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.

18 – APPROVAL CONDITION – Archaeology

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. While the nature and extent of these works cannot at this stage be predicted, 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.

Delete conditions 19, 20 and 21.

Additional Condition

22 – APPROVAL CONDITION - Updated Tree Survey and Method Statement

Prior to the commencement of any development, including site clearance and demolition, a revised arboricultural survey and method statement, to reflect the

amended scheme hereby approved, shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter proceed in accordance with the agreed details.

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

22. **47 ELMSLEIGH GARDENS, 15/01501/FUL**

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

Erection of a two-storey rear extension and conversion of garage to a study.

Mr Richmond (Local Resident/objecting) and Mr Sunder (Applicant) were present and with the consent of the Chair, addressed the meeting.

The officer recommendation to conditionally approve planning permission was not carried.

RESOLVED that planning permission be refused for the reason set out below.

REASON FOR REFUSAL - Impact on Residential Amenity

The proposed two storey extension would, by virtue of the excessive scale and bulk of the first floor level built so close to the common boundary, have an overbearing and un-neighbourly relationship with the adjoining property at no.45a Elmsleigh Gardens resulting in an increased sense of enclosure for the occupiers of this neighbouring residential dwelling. Specifically, this is by virtue of:

- (a) The failure to retain an appropriate separation distance between the proposed two storey extension and a habitable room window and door within the side elevation of the neighbouring property (as outlined in paragraph 2.2.7 of the adopted Residential Design Guide (September 2006)) resulting in an increased sense of enclosure for the kitchen / dining area of the neighbouring property at no.45a Elmsleigh Gardens.
- (b) The excessive scale of the proposed two storey extension combined with its proximity to the common boundary and its siting at a higher level given changing land levels on site resulting in an increased sense of enclosure for the existing study at the neighbouring property of 45a Elmsleigh Gardens.

This proposal is therefore, considered to have an unacceptable impact in terms of residential amenity and is contrary to policies SDP1(i) of the adopted City of Southampton Local Plan Review Adopted Version 2nd Revision (March 2015) as supported by paragraph 2.2.1 and 2.2.7 of the adopted Residential Design Guide (September 2006).

23. **63 WILTON AVENUE, 15/01393/FUL**

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

Erection of a single storey rear extension to create one x studio flat with associated bin and cycle storage.

Mrs Barratt, Mrs Gara and Mrs Barter (Local Residents/objecting) were present and the consent of the Chair, addressed the meeting.

The presenting officer reported at the commencement of the meeting that :-

- (i) an amended elevation plan (ref.63WA/15/004 REV.C) was received on the 10th September 2015. This plan was included in the panel presentation;
- (ii) paragraph 6.2.2 of the report was incorrect. This stated that the proposal would establish two additional dwellings on site resulting in a site density of 172 dph. This was incorrect as the proposal would establish one additional dwelling on site resulting in a site density of 128 dph; and
- (iii) condition 8 relating to landscaping had been amended to take out a reference to car parking as this was not relevant to the scheme. The condition is detailed below.

Amended Condition

8 APPROVAL CONDITION - Landscaping [pre-commencement condition]

Prior to the commencement of the development hereby approved, a landscaping scheme any implementation timetable shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall include details of the planting; details of trees to be retained and details of the boundary treatment to the garden area of the flat hereby approved. The approved hard and soft landscaping scheme for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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.

The officer recommendation to conditionally approve planning permission was not carried.

RESOLVED that planning permission be refused for the reasons set out below.

Reasons for Refusal

REASON FOR REFUSAL: Overdevelopment

The subdivision of the plot to establish an additional dwelling within the rear garden is considered to represent an over-intensive use of the site which would fail to establish an attractive or acceptable residential environment for existing and future occupiers. Specifically, this is by virtue of: a) the provision of a cramped residential environment given the limited size of the proposed studio unit; and b) the provision of an insufficient amount of usable amenity space for occupiers of both the proposed studio unit and the existing units on site. As such this proposal is contrary to policies SDP1 (i), (as supported by paragraphs 2.2.1, 2.3.12, 2.3.13, 2.3.14, 4.4.1, 4.4.2, 4.4.3 and 4.4.4 of the adopted Residential Design Guide Supplementary Planning Document (September 2006)), SDP7 (iv), (v) and SDP9 (i), (v) of the adopted Amended Local Plan Review (March 2015) and Policy CS13 of the adopted Core Strategy Partial Review (March 2015).

REASON FOR REFUSAL: Residential Amenity

The proposed site layout would, due to its cramped and contrived arrangement, be harmful to the level of privacy currently enjoyed by the residential occupiers of the existing ground floor flat. Specifically, this is by virtue of the impact of additional pedestrian movements immediately adjacent to habitable room windows serving the bedroom and living room of the existing ground floor unit. This would set a harmful precedent for similar residential intensification which is likely to be detrimental to the residential amenities of the occupiers of existing properties.

This proposal is therefore, contrary to saved policy SDP1(i) of the adopted Amended Local Plan Review (March 2015); policy CS13 of the adopted Core Strategy Partial Review (March 2015); and paragraph 2.2.1 of the adopted Residential Design Guide SPD (September 2006).

24. **48 SOUTH MILL ROAD, 15/01550/FUL**

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

Erection of a single/two storey side extension and front porch

Ms Flynn on behalf of Mr Pledger and Mr Carey (Local Residents/objecting) and Mr and Mrs Carstairs (Applicants) were present and with the consent of the Chair, addressed the meeting.

At the start of the meeting, a written deputation from the applicant was circulated to the Planning Panel, relevant officers and other deputees present for the item.

RESOLVED that conditional approval be granted subject to the conditions in the report.

RECORDED VOTE to grant planning permission.

FOR: Councillors Tucker, Hecks, Coombs and Wilkinson

ABSTAIN: Councillor Mintoff

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Agenda Annex

PLANNING AND RIGHTS OF WAY PANEL (EAST)

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 27 October 2015 - 6pm

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

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	RP	DEL	15	14/01911/FUL Land at Test Lane
6	JT	DEL	15	15/01510/FUL 224 Portswood Road, part of the Former Portswood Bus Depot at the junction of Portswood Road and Belmont Road, SO17 2LB
7	SH	CAP	15	15/00340/OUT Former Oaklands School (Oasis Academy Lordshill), Fairisle Road, SO16 8BY
8	LG	CAP	5	15/01624/FUL 18A Upper Banister Street, SO15 2EF
9	LG	CAP	5	15/01470/FUL 10 - 11 Bedford Place, SO15 2DB

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:

SH – Stephen Harrison
LG – Laura Grimason

JT – Jenna Turner

RP – Richard Plume

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) - 27 October 2015
Planning Application Report of the Planning and Development Manager**

Application address: Land at Test Lane, Southampton			
Proposed development: 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.			
Application number	14/01911/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A - Planning Performance Agreement	Ward	Redbridge
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread
Called in by:	All Ward Councillors	Reason:	Traffic, noise, impact on neighbours, ecology.

Applicant: Evander Properties Ltd	Agent: Michael Sparks Associates - Fao Mr Ashley Chambers
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the context of the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that this impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. 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 planning permission should therefore

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

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

Appendix attached			
1	Development Plan Policies	2	Panel report dated 4 August 2015

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions and other obligations including Traffic Regulation Orders towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) to include extending the vehicle weight restriction, reducing the speed limit in Test Lane and other traffic calming measures.
- ii. Provision of an area of public open space before first occupation of the development and the necessary commuted maintenance sum.
- iii. Financial contribution as site specific mitigation measures to limit the impact on the adjoining local nature reserve.
- iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
- 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. Commuter car parking survey and necessary mitigation post opening should the surveys identify an impact on residential streets.
- viii. Air Quality Mitigation measures.
- ix. Provision of public art in accordance with the Council's Public Art Strategy.

- x. Submission and implementation of a Construction Traffic Management Plan.
 - xi. Submission and implementation of a Lorry Routing Agreement.
 - xii. Submission and implementation of a Travel Plan.
2. In the event that the legal agreement is not completed within two months of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. 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. Introduction

1.1 This application was heard at the Planning and Rights of Way Panel meeting on 4 August 2015. The Panel's decision was:

i) that the Panel confirmed the Habitats Regulation Assessment in Appendix 2 of the report; and

(ii) that the application be deferred in order that the applicant could engage with the Local Residents Association and Ward Councillors to address the following issues raised:-

a) traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south;

b) the attenuation pond within the proposed public open space; and

c) the timescale for the provision of open space.

1.2 This report concentrates on the additional information provided since that previous meeting. It includes only the responses to consultation on these additional points. All the previous comments, the description of the site, planning history, relevant policy considerations and other planning matters are included within the 4 August report which is appended. There have been no relevant changes in policy since the application was considered in August.

2. Proposal

2.1 The additional information provided in response to the three issues raised by the Panel are as follows.

2.2 **a) traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south.**

In response to this issue the applicant has submitted an additional drawing of the entrance to the site. This design incorporates central 'splitter islands' to prevent vehicles, particularly large vehicles from turning left out of the site down Test Lane. The geometry of the junction will be designed to prevent vehicles from attempting restricted movements. Large 'trief kerbs' are proposed on either side of the access/egress (as seen on roundabouts to prevent vehicles from mounting the kerbs). In addition it is proposed to add a chicane feature in Test Lane to calm traffic; a Traffic Regulation Order (TRO) (subject to public consultation) to reduce the speed limit on the full length of Test Lane; an amendment to the existing TRO to extend the vehicle weight restriction to roads to the south of the application site.

2.3 b) the attenuation pond within the proposed public open space.

The application has been amended to remove the proposal for an attenuation pond to be provided within the public open space. The replacement surface water attenuation arrangements involve additional underground tanks to be provided beneath the vehicle parking area within the proposed development site.

2.4 c) the timescale for the provision of open space.

In response to this issue, the applicant has confirmed that the open space will be provided before occupation of the first unit on the site with the possible exception of the full landscaping arrangements which may have to await the next available planting season.

2.5 It should be noted that the revised drawings also show a realignment of the acoustic fence on top of the bund between Units 1 and 3. This results in a small reduction in the size of the proposed public open space. When considered in August the size of the linear park was 4.43 acres (1.79 hectares). In the revised submission the park would be 4.25 acres (1.72 hectares). An additional planted bund is also proposed to run parallel with Gover Road.

3. Consultation Responses and Notification Representations

3.1 Following consideration of the application in August the applicant has met representatives of the residents association and ward Councillors on two occasions in August and September. The application was then amended on 16 September and further notification was made to those neighbours who had commented previously, Ward Councillors and relevant consultees (those relating to the three issues set out above).

3.2 At the time of writing the report **56** representations have been received from surrounding residents on these amended plans. The following is a summary of the points raised on the new/amended submission. It should be noted that all previous representations are recorded in Section 5 of the previous report (Appendix 2) and should be taken into account by members in deciding the application.

3.3 General comments

- Traffic Congestion.
- Increase in air pollution.
- Late night and day time disturbance.
- Large warehouse complex operating 24 hours a day, 7 days a week is out of keeping with the adjacent residential area.
- Will change the character of the area which is exclusively residential.
- Lighting will blight sleep for nearby residents.
- Flood risk issues.
- Parking on site is not sufficient for the number of workers which will overspill on to local roads.
- The introduction of parking permits or double yellow lines will not be a welcome solution.
- More traffic will use Westover Road.
- Council has a conflict of interest as landowner and planning authority.
- Local residents were not sufficiently involved in the emergence of the policy.
- Contrary to Policy MSA 19 in that it involves development on the southern part of the site.

Response

These comments were made previously and are addressed in the report to the 4 August Panel (Appendix 2).

3.4 Additional Comments

- **Although the residents association have been consulted, the developer declined an invitation to attend a general meeting with other residents who will be affected.**
- **It is unacceptable that the discussions have just focused on traffic controls, the linear park and the balancing pond.**
- **The removal of the attenuation pond with bigger tanks beneath the buildings could result in contaminated soil being used to create the bunds.**
- **The visual impact has not been addressed, the buildings will remain overpowering and unsightly.**
- **Gover Road should have a weight limit at Redbridge roundabout with cameras in place so that offenders can be caught and dealt with.**
- **There are too many unknowns with this application, the traffic measures need to be resolved before planning permission is granted.**
- **The traffic measures are insufficient, further mitigation is required such as weight/width restrictions at the entrance to Gover Road.**

Response

Following the Panel meeting on 4 August, the applicant has met with the residents association and with Ward Councillors as requested by the Panel. Amendments and additional information has been provided in response to the three reasons for deferral. Conditions 4, 5 and 6 will ensure that contaminated material will not be used to create the bunds. The traffic measures will be secured through the Section 106 agreement.

3.5 **Councillor Pope** - whilst there have been discussions at two meetings there remain a number of concerns. The Panel should clarify and commit the changes to the three issues as conditions. The Habitats Regulations Assessment should be re-considered. The applicants have not negotiated on issues that the Panel did not instruct them on. Objections remain on the following grounds:

- The commuted sum needs to be sufficient for the Council to manage the open space in perpetuity.
- Air quality.
- Noise especially at night.
- Height and location of building.
- General traffic impact.
- Water and ground pollution.
- Section 106 agreement should include local employment contributions.
- Local residents need to benefit directly from energy generated on site.
- The Section 106 agreement should be written with the involvement of Ward Councillors and brought back to Panel for agreement.

Response

Most of these comments were made previously and are addressed in the report to the 4 August Panel (Appendix 2). The Habitats Regulations Assessment (HRA) was confirmed in August. The changes made to the application do not require any changes to the HRA.

Consultation Responses

3.6 **SCC Highways** - It is the intention of the proposal to encourage traffic to enter the site from the north, turning left into the site, and turn right back out of the site, heading to the north and junction 1 of the M271. To address the concerns relating to traffic within the area, and risk of additional traffic, particularly lorries encroaching into the residential streets to the south of the site, the applicant has submitted a revised proposal to prevent vehicles from being able to turn left out of the site, and only be able to enter when approaching from the north. This takes the form of a layout which includes measures to attempt to force all traffic to use the designed paths. The design will certainly eliminate the opportunity for any lorries being able to turn left out of the site, and cars will too find this turn difficult and uncomfortable, but with manoeuvring, may be able to defy the design. It is not possible to make the layout any tighter to prevent this risk of rogue movements by car drivers without preventing other through traffic from operating normally, and restricting the through path. The design will be supported by signage both within the site, and outside of it.

3.7 Traffic Engineers have agreed that weight restriction signs can be erected at the end of Old Redbridge Lane at its junction with the Redbridge slip road, and also at the entrance to Gover Road from the Redbridge roundabout. Residents have asked if a width restriction could be included, but Traffic Engineers consider that this would not be appropriate. If a tight chicane were to be introduced on Test Lane, south of the development access, which would warrant a width restriction warning, this could prevent legitimate movements, but also increase lorry traffic in Gover Road, as this would be the only escape route for vehicles unable to pass the restriction. It is agreed that the lorry would have had to pass the

restriction signage at this stage, but some larger vehicles may well be legitimately in the area and be forced to use a route which residents wish to discourage.

- 3.8 **SCC Flood Risk** - No objections to the amended drainage arrangements as the proposal still incorporates peak flow and volume control.
- 3.9 **Hampshire and Isle of Wight Wildlife Trust** - Concerns relate to impact on the Lower Test Marshes through an increase in recreational disturbance and the potential mobilisation of contaminants. A compensation payment to mitigate recreational disturbance has been agreed but this should be made prior to the site becoming operational. The trust are disappointed that the pond has been removed as this could have increased the biodiversity of the park. The Trust seek assurance that the proposals will not impact the Lower Test Marshes Nature Reserve through the mobilisation of contaminants and pollutants from surface water run-off once the site is operational.

Response

These issues can be covered by conditions and through the Section 106 agreement.

4. Planning Consideration Key Issues

- 4.1 The key issues for consideration in the determination of this planning application are set out in Section 6 of the previous report in Appendix 2. This report confines itself to the three additional issues.
- 4.2 **a) traffic issues, in particular measures to limit the impact of traffic entering and exiting the site to and from the south**

Members attention is drawn to the comments of the Council's Highways Team in Paragraphs 3.6 and 3.7 of this report. On the issue of the access to and from the site, the applicant has considered the concerns of the residents carefully, and has provided a solution which is as robust in its design as it can be, considering all traffic movements which need to be catered for, and designed out. The measures proposed can be secured through the Section 106 agreement.

- 4.3 **b) the attenuation pond within the proposed public open space**

The removal of the attenuation pond previously proposed for the public open space meets the concerns expressed by local residents and members relating to safety and environmental issues. The Council's adviser on flood risk is satisfied that the additional on site attenuation tanks will not lead to an increase in flood risk as a result of this development.

- 4.4 **c) the timescale for the provision of open space.**

The applicants commitment to the early delivery of the public open space is welcomed as it will provide a new area of public open space and help to screen the new development. This can be secured through the Section 106 agreement. The reduction in the size of the park since the consideration in August is very minor. It has been caused by a realignment of the acoustic fence and bund which is needed for noise protection purposes. The area in question is quite a

steep bank so is unlikely to be a useable area of open space. The height of the fence and bund is similar to the eaves level of the building so it will be noticeable, although in the course of time the planting will help to screen it. The removal of the attenuation pond should mean that the whole of the linear park can be used throughout the year.

- 4.5 Officers consider that all other relevant planning matters were addressed in the report of 4 August (Appendix 2).

5. Summary

- 5.1 The previous report to the Panel considered the many material considerations in this case and, on balance, recommended approval. This report concentrates on the three issues for deferral of the application. Members need to consider both reports in reaching a decision. The recommended conditions and the heads of terms for the Section 106 agreement have been adapted to take account of the changes. The Habitats Regulation Assessment has already been confirmed and does not need to be re-considered.

8. Conclusion

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

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

1 (a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(b), 4(vv), 5(c), 6(a), 7(a).

RP2 for 27/10/2015 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 - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

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

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

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

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

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

Reason:

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

04. APPROVAL CONDITION - Land Contamination investigation [Pre-Commencement]

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

1. A report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.

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

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.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason:

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

06. APPROVAL CONDITION - Use of uncontaminated soils and fill [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.

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 - 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 and to safeguard the special ecological value of the adjoining nature reserve.

09. 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.

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

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

Reason:

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

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination:

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

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

11. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)

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

Reason:

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

12. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the development shall not be sub-divided or occupied by more than three businesses at any one time.

Reason:

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

No development shall commence until details of the junction between the proposed service road and the highway have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

15. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason:

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

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

Before each building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises 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 thereafter.

Reason:

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

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

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to that building and for no other purpose.

REASON

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

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

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

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

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

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

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

Reason

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

21. 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

22. 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 in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

23. APPROVAL CONDITION - Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

24. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

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

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

thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

26. APPROVAL CONDITION - No open storage (Performance Condition)

No open storage or loading/unloading of vehicles shall take place within the yards of the buildings.

Reason

To protect the amenities of neighbouring residents.

27. APPROVAL CONDITION - Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

28. APPROVAL CONDITION - Refrigerated Vehicles (Performance Condition)

Any refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

29. APPROVAL CONDITION - Refrigeration Compressors (Performance Condition)

Any refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason

To limit noise and disturbance and to protect the amenities of neighbours.

30. APPROVAL CONDITION - Hedgerow removal (Pre-Commencement Condition)

No hedgerow shall be removed until details of arrangements for replacement of the hedgerow have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details.

Reason

In the interests of ecological mitigation.

31. 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:

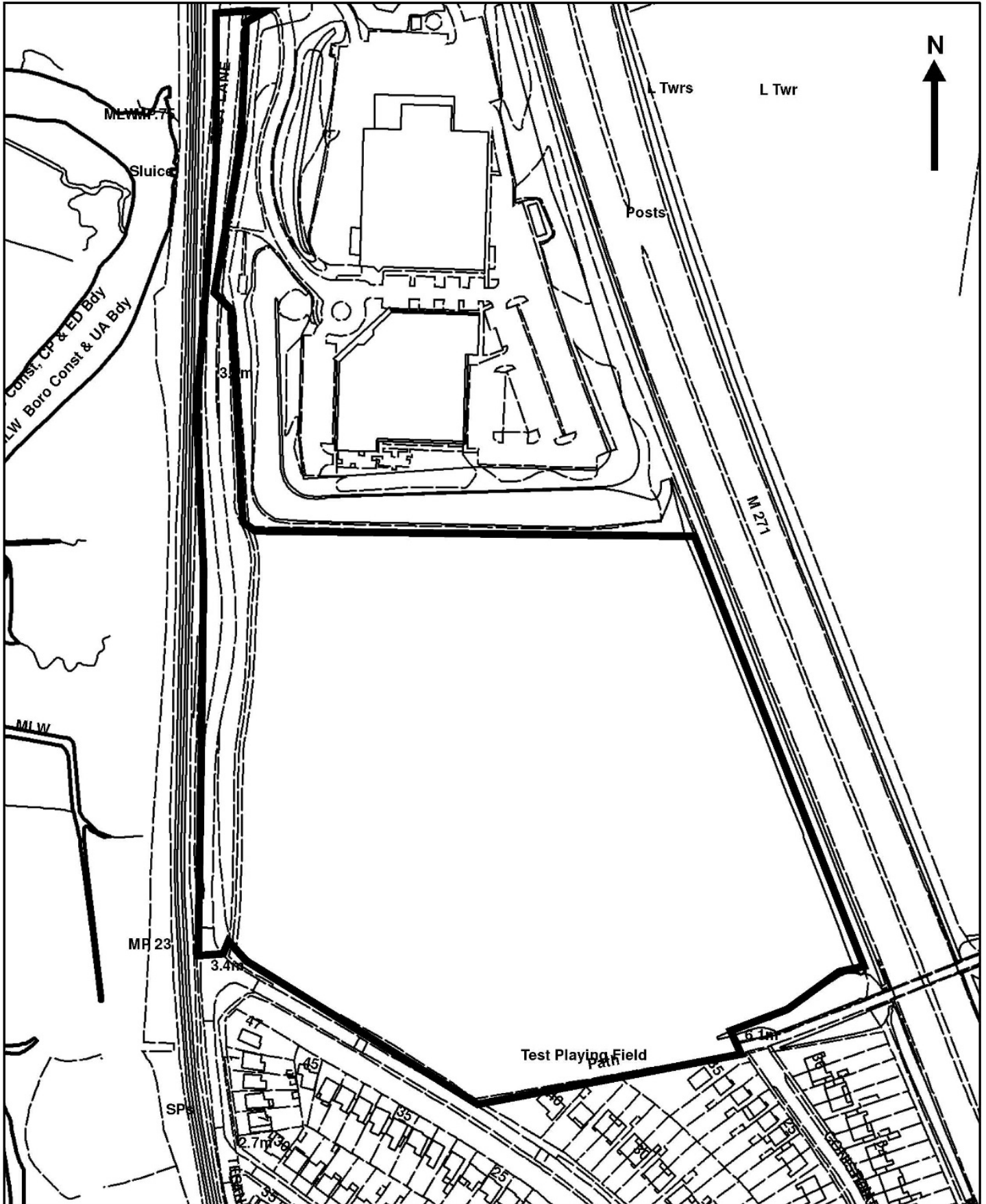
For the avoidance of doubt and in the interests of proper planning.

32. APPROVAL CONDITION – Night time operation (Pre-Occupation Condition)

Between 2300 and 0700 hours the development shall not operate or be used otherwise than in accordance with a Night Time Operation Plan, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the occupiers of the building operate in a manner which would safeguard the amenities of adjoining residential occupiers.



Scale: 1:2,500

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Application 14/01911/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
NE7	Rail Corridor
HE6	Archaeological Remains
CLT7	Provision of New Public Open Space
MSA19	Test Lane South

Supplementary Planning Guidance

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

Other Relevant Guidance

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

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Agenda Item 5

Planning, Transport & Sustainability Division **Appendix 2**
Planning and Rights of Way Panel (East) 4 August 2015
Planning Application Report of the Planning and Development Manager

Application address: Vacant site west of M271, Test Lane			
Proposed development: 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.			
Application number	14/01911/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	N/A - Planning Performance Agreement	Ward	Redbridge
Reason for Panel Referral:	Request by Ward Member or five or more letters of objection have been received	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread
Referred by:	All Ward Councillors	Reason:	Traffic, noise, impact on neighbours, ecology.

Applicant: Evander Properties Ltd	Agent: Michael Sparks Associates (Mr Ashley Chambers)
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has considered the proposal in the

context of the site allocation for industrial and warehousing development as set out in the Local Plan and the importance of the additional employment to be created by this development. The development would have an impact on the surrounding area in terms of character and appearance, traffic and noise but that this impact can be mitigated by Section 106 obligations and conditions. Ecology and flood risk issues have also been taken into account. 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 planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT7 and MSA19 of the City of Southampton Local Plan Review (as amended 2015) and CS6, CS7, CS13, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015) and guidance in the NPPF (2012).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulation Assessment

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 2 of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions and other obligations including Traffic Regulation Orders towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - ii. Provision of an area of public open space and the necessary commuted maintenance sum.
 - iii. Financial contribution as site specific mitigation measures to limit the impact on the adjoining local nature reserve.
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

- 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. Commuter car parking survey and necessary mitigation post opening should the surveys identify an impact on residential streets.
 - viii. Air Quality Mitigation measures.
 - ix. Provision of public art in accordance with the Council's Public Art Strategy.
 - x. Submission and implementation of a Construction Traffic Management Plan.
 - xi. Submission and implementation of a Lorry Routing Agreement.
 - xii. Submission and implementation of a Travel Plan.
3. In the event that the legal agreement is not completed within two months of the date of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site is some 6.5 hectares in area and is situated on the eastern side of Test Lane. The site is currently a grassed open area with some tree planting to the boundaries and hedgerows to the Test Lane frontage. The site is allocated in the Local Plan for light industrial and warehousing development (Classes B1(c) and B8) under Policy MSA19 of the Local Plan.
- 1.2 The surroundings are of mixed character with industrial development (including the Daily Echo headquarters) to the north; the M271 motorway to the east; the Lower Test Lane Nature Reserve to the West beyond the Southampton to Romsey railway line; and a residential area to the south comprising bungalows and two-storey houses in Gover Road, Coniston Road, Westover Road and Test Lane. The application site is close to the administrative boundary of the city with Test Valley Borough Council.

2. Proposal

- 2.1 The application involves developing this currently open site with three business/storage and distribution buildings to provide a total of 19,132 square metres of floorspace. The largest of the three buildings (Unit 1) would run along the western site boundary and would provide approximately 10,860 square metres of floorspace to be used as a storage and distribution unit (Class B8). Unit 2, in the northern part of the site, would provide approximately 3,630 sq.m. floorspace and would be used for either Business Use - light industrial (Class B1 c) or Storage and Distribution Use (Class B8). Unit 3, in the south-east part of the site, would provide approximately 4,640 sq.m floorspace and would also be used for storage

and distribution purposes (Class B8). The development would potentially operate on a 24 hour basis.

- 2.2 Vehicular access would be from Test Lane, in the north-west corner of the site. A total of 224 car parking spaces would be provided for the three units. 35 lorry delivery dock spaces will be available.
- 2.3 The application also proposes to retain the southern end of the site as an open area which would become public open space. The area in question is some 1.79 hectares in area (4.43 acres)
- 2.4 The proposed external materials will be a mixture of horizontal and vertical cladding panels and buff brickwork with an aluminium curtain wall glazing system. The height of the buildings will be 12 metres to the eaves and 14.3 metres to the top of the roof. Between the two buildings on the southern boundary, an acoustic fence would be built above an earth bund to a total height of approximately 12 metres.
- 2.5 The application has been amended since it was initially submitted. The main changes to the scheme are a reduction in the amount of floorspace from 21,000 square metres to the current proposal of 19,132 sq.m. This has also resulted in changes to the layout on site with the buildings being moved further north on the site by between 10 metres and approximately 35 metres.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is allocated for development under Policy MSA19 which reads as follows:

Test Lane South is safeguarded for B1 and B8 uses. Development will be permitted which:

(i) provides a buffer of landscaped and planted open space on the southern boundary of the site; refer to CLT 7;

(ii) would not adversely affect the residential amenity of the occupiers of nearby properties on Gover Road and Coniston Road.

Built development will not be permitted on the southern part of the site.

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

4. Relevant Planning History

- 4.1 There are no decisions on planning applications which are directly relevant to this proposal. However, in July 2014, a Screening Opinion was issued under the Environmental Impact Assessment Regulations 2011 confirming that this development did not require submission of an Environmental Statement (application reference 14/00712/SCR).
- 4.2 It is understood that the site was originally used for sand and gravel extraction and the land was subsequently infilled following the construction of the M271. The site was used for several years as a temporary park and ride site for the duration of the Southampton Boat Show in September.

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 (02.01.2015 and on 05.06.2015 for the amended application) and erecting a site notice (12.12.2014 and 15.05.2015 for the amended application). At the time of writing the report a total of **181** representations have been received from surrounding residents. This number includes comments made to the application as originally submitted and as amended. In addition to the individual responses, a petition bearing 188 signatures has been submitted which reads as follows:

'We, the undersigned, wish to lodge our objection on the proposed development based on the following:

- 1. The development as proposed is too close to neighbouring residential housing.**
- 2. It will cause excessive traffic problems to the neighbouring rural streets (already used as an M271 avoidance 'rat run').**
- 3. It is not suitable for the environmental conditions of the land, i.e. flood risk.**
- 4. Proposed 24/7 nature of the facility will cause excessive noise and lighting pollution in an area already deemed to have poor air quality.**
- 5. The visual effect on residents will be totally unacceptable and be totally against all residential amenity rights afforded to citizens.**
- 6. The development will have negative effects on local house prices and desirability.'**

The following is a summary of the points in individual correspondence grouped under various headings:

5.2 Principle of development/policy position

Proposal is for a development which is far in excess of the policy allocation for the site which was changed without consultation. An independent inspector recommended light industrial use only. The development should be limited to that use and should not be for Class B8 use. Local residents had previously been informed that the proposal would be for small light industrial and research premises. The proposals violate Policy MSA19 in that development would be on the southern part of the site. The southern part should logically mean the southern half of the site so the proposal is contrary to policy in that building works and the attenuation pond are in the southern half of the site. Local residents do not want a pond, they want a green open space. Any attenuation pond should be sited within the middle of the development.

Response

The circumstances surrounding the policy allocation are outlined later in this report. The policy does not define what the 'southern part of the site' means. There is no reference in the policy to 'southern half of the site'.

5.3 Traffic/transport

Up to 100 HGV's starting and running engines will have a significant impact on air quality. 31 HGV loading/unloading bays will cause significant problems for local residents. 750 jobs with only 250 car parking spaces (one space for every three employees) will mean that parking will overflow into surrounding streets. Restriction on vehicles turning left is unlikely to be enforceable and even cars making these movements will lead to noise and disturbance. There will be additional lorry movements rat-running through residential streets. The area will be unable to cope with the increased flow of traffic. Traffic will queue back at the bottom of Gover Road across the roundabout.

Response

The reference to up to 750 jobs possibly being accommodated on the site was information provided by the applicant. It is likely to be an over-estimate of the employment density on the site. The design of the site entrance encourages lorries to enter and exit the site from the north, although it cannot be guaranteed that all vehicles will obey this route. The demand for employee car parking will vary over the day as there is likely to be different shifts operating from the site. Comments on the application from the Council's Highways Team are included later in this report.

5.4 Impact on amenities of neighbours

Redbridge is one of the most polluted areas in Southampton, this proposal will significantly add to pollution in this area. A 24 hour operation will be detrimental to the amenities of local people in terms of noise and disturbance. Noise levels will be a problem at night with HGV reversing alarms, fork lifts and pallet trucks being used. The development is too tall and Unit 1 in particular is far too big and will encroach too close to adjacent houses. The height of the buildings is totally out of keeping with the houses around it. The biggest building should be parallel with the M271 not

alongside Test Lane. Residents would lose views over the green space. Every aspect of the development would be detrimental to the lives of local residents.

Response

These are large modern warehousing buildings designed for mechanised storage and servicing. The application is submitted for a 24 hour operation as is the case for many such industrial/warehousing operations. Consideration was given to relocating the largest building alongside the motorway but this would effectively have 'opened the site up' to potentially noisy operations from within the yard to the detriment of the neighbours to the south. Comments on the application from the Council's Environmental Health Team are included elsewhere in this report.

5.5 Ecology and environmental issues

Destruction of the ancient hedgerow along Test Lane is bad for ecology. The night sky would be ruined by light pollution from the external lighting to the yards which will be 15 metres high. The attenuation pond will lead to issues of danger to the public. The pond is on public land which means that the local facility of open space would be degraded and would be maintainable at the public expense. The pond will lead to stagnant water which will attract insects and rodents. Proposal would have an unacceptable impact on the local nature conservation area and wildlife with destruction of important hedgerows which provide a corridor for birds and bats. The potentially harmful seepage of water into the ground could cause problems for the nature reserve. The green space is not large enough. The field has a history of flooding. The pond could overflow and cause flooding at local residents properties. It would take decades for trees and shrubs to screen such large buildings.

Response

The issues relating to ecology are dealt with later in this report. The attenuation or infiltration pond will be on public land. Further details can be sought through a planning condition and a commuted sum will be sought for the future management and maintenance of the linear park. It is government policy that applications for major development should incorporate Sustainable Urban Drainage Systems. The infiltration pond is one such measure.

5.6 Air quality

Redbridge suffers from very poor air quality as recognised by recent reports and publicity. This proposal would lead to 800 extra traffic movements per day. This development, together with others in the area, would worsen the situation to the detriment of the health and quality of life for local residents. It is the responsibility of the Council to look after the health and wellbeing of its citizens and yet the Council ignore the impact of air pollution which gets continually worse in this area.

Response

The Council's Environmental Health team are satisfied with the specialist report submitted with the application which states there would be a negligible impact on air quality in and adjoining the Air Quality Management Area.

5.7 Other issues

The changes made to this application are insufficient for objections to be withdrawn. The developer has paid insufficient attention to the comments from local people and has not addressed the issues. The supporting reports submitted by the applicant are not accurate or plausible. There is no need for this development given the number of empty business premises in the area. The drainage system will not be able to cope with this scale of development. The cumulative impact of various developments in this part of the city and adjoining Council areas such as Adanac Park and the Lidl development would be detrimental to local people.

Response

Local residents concerns about the overall amount of development within the wider area is perfectly understandable but each planning application has to be considered on its individual merits in the context of national and local planning policies and other material considerations. The site is allocated for this form of development and there is a proven demand for these key economic sectors as set out in Policy CS6 of the Core Strategy. The fact that there may be other vacant business premises in the area would not outweigh the policy presumption in favour of development.

- 5.8 **Redbridge Residents Association** - The amended application was considered at an EGM held in May attended by over 80 residents. The Association object to the development due to its size and proposed activities on the following grounds: air pollution, 6% of the deaths in the city are due to air pollution and this development will worsen the situation; noise pollution, a 24/7 operation would be wholly inappropriate due to its proximity to residents; light pollution will impact on the area; attenuation pond will be built development on the southern part of the site which will be contrary to policy; impact on the adjoining SSSI which will affect wildlife.
- 5.9 **Councillor Pope** - Whilst the developers appear to have listened to a certain extent, they have not addressed the concerns of local residents. Objection to the application on the grounds of ecology, sustainability, air quality and pollution, height and location of buildings and impact on local residents. Any S.106 agreement should encourage local employment, apprenticeships and other positive contributions from developers and businesses. Although the BREEAM excellent rating is supported, local residents should benefit directly from energy generated in a co-operative enterprise supported by the developer and businesses.
- 5.10 **Councillor Whitbread** - Object to the application, previous concerns about impact on local wildlife have not been addressed. Proposal will bring additional traffic into the area which will have a negative impact on air quality in an already congested part of the city. Buildings are too high and not in keeping with the residential feel of the area. The proposed bund of trees will not grow fast enough and should be replaced by Leylandii trees to shield the development and to minimise noise and

light pollution. 24 hour operation is likely to have a significant impact on quality of life. If approved, the Panel should consider restricting working hours.

- 5.11 **Councillor McEwing** - Object to the application, there are significant concerns about the difficulties such a development would bring to the local area. These include, but are not limited to: increased traffic pressure on the local highways network; noise and light pollution from 24 hour working; air pollution from the development and traffic; detrimental impact on wildlife being close to a nature reserve; loss of green open space.
- 5.12 **Hampshire and Isle of Wight Trust** (Owners and managers of the adjoining Lower Test Nature Reserve - comments on amended application) -

Impacts on Designated Sites and Recreational Pressure

We note that with this revised application the layout of the site has been changed and the area of the linear park increased. Whilst this is welcomed, we are still concerned that the site will no longer be as desirable for existing users and subsequently there will still be an increase in recreational pressure on our reserve. It is also worth considering that the proposed linear park will be located in the wettest part of the site, and part of it will incorporate the proposed attenuation pond. Therefore it will not be accessible to potential users, who will most likely seek out alternative sites, such as Lower Test Marshes Nature Reserve, for recreation. We note that the applicant is proposing a contribution of £35,000 to the Solent Recreation Mitigation Partnership (SRMP), by way of mitigating the recreational impacts on the Lower Test Marshes. We are pleased to see that this approach has been suggested as a way of addressing recreational impacts should the application be consented, however given that the proposals will directly impact on Lower Test Marshes Nature Reserve, it is important that any proposed mitigation strategy is aimed directly at the site where the impact will occur, rather than at a strategic scheme. This proposal will have a direct impact on the Lower Test Marshes Nature Reserve through the displacement of existing users of a site. Mitigation measures could include increased wardening of the site and/or new fencing to ensure that people and dogs do not deviate from the existing public right of way.

- 5.13 **Non-native tree and shrub species/management of the Linear Park**

We note and acknowledge the additional information with regard to the hedgerows and in particular why hedgerows 1 and 2 have been classified as two different hedgerows, despite them appearing to be one. We accept the justification given, but we are still disappointed that the development proposals involve the loss of a section of hedgerow. As you will be aware, hedgerows act as important breeding, commuting and foraging habitats for a variety of species. The fact that this hedgerow is linked to one that is considered important under the Hedgerow Regulations, will undoubtedly add to its value. It is therefore important that any planting scheme aimed at mitigating the loss of this hedgerow maintains some connectivity with the remaining hedgerows and comprises native tree and shrub planting. In previous responses one of the reasons for objection was the fact that the planting scheme included non-native ornamental species. We note that the revised planting scheme includes more native species present, however there are some species that are ornamental cultivars or that we consider unsuitable for the site. These include *Sorbus aria* 'majestica' and *Carpinus betulus* 'Frans Fontaine',

both of which are ornamental cultivars and *Populus alba*, which is a naturalised not native species.

Response

The mitigation measures are accepted and can be secured through the Section 106 agreement and conditions. It is agreed that the financial contribution is for site specific mitigation measures and should be used on the adjoining nature reserve rather than in the generic SDMP fund. Details of planting species, management plans and replacement hedgerow can be secured through conditions.

Consultation Responses

- 5.14 **SCC Highways** - The site is accessible from Gover Road or Old Redbridge Road via the residential area, or Test Lane to the north. The applicants propose the access for the site to be from Test Lane, and the design is such to prevent vehicles from turning left out of the site, or right into the site. This effectively means that vehicles wishing to enter the site would need to approach from the north, and leave to the north, using Test Lane only. The design is sufficient to ensure that this is the only option for HGV traffic, however, a determined car driver could probably defy the layout and use the residential approaches/departure route via Old Redbridge Road or Gover Road. The workforce for the proposal may come from the surrounding area, meaning that not all drivers would be faced with this dilemma, as it would be more convenient for some to use Test Lane in any event. Also, as residents will know, exiting from Gover Road can be very difficult at busy times, so this does not make itself an attractive route to use. Anyone who tried to go against the no right turn and travel along Old Redbridge Road is most likely to want to travel westwards towards Totton and the New Forest.
- 5.15 There has been debate over the classification of business which can be permitted to operate from the proposed site. In highways terms there is a difference between the number of lorry trips versus car borne trips by workers, as manufacturing and industry tend to have a larger workforce but less HGV movements, and storage and distribution has greater numbers of HGV movements but a smaller workforce. To have a mix of uses on site helps to even up the numbers of movements of both HGVs and cars. Designing the access to permit a left in/right out movement should result in the impact of any increased traffic within the residential area of Gover Road and Old Redbridge Road being kept to a minimum, and any change could only be car traffic, and not HGVs. Both Gover Road and Old Redbridge Road are traffic calmed which means that any cars using this route will have to travel more sedately to avoid damage to their vehicles, and not all workers on the site would benefit from this route, preferring to use the designated right turn only out of the site.
- 5.16 The parking quantum shown has been checked against current Council maximum parking standards. The proposal suggests that units 1 and 3 combined have a floor area of 16,207m², which are to be designated for B8 use, and unit 2 will have a floor area of 4793m² designated as B1c or B8 use. 224 car parking spaces are shown in total, the maximum permissible spaces under SCC standards is 287, if all units were to be B8 use, and 234 if unit 2 is B1 use. The parking level as shown therefore accords with Council maximum parking standards. Lorry docking/parking spaces shown total 35, permissible numbers are 28, in addition 27 van docking/parking spaces are included principally for unit 3. It is considered to be

beneficial to allow the provision of these extra spaces to avoid risk of overspill parking within the near vicinity of the site.

- 5.17 The development will have an impact on the surrounding highway network at principal junctions, the main affected junction being junction 1 of the M271, Highways England who are responsible for this junction are satisfied with the impact expected from the proposal. The applicant's highways consultant has used the TRICS data base to identified anticipated traffic to be generated by this development. Cyclists will be able to access the site using all local routes, as can pedestrians. There are a number of bus routes which pass through the Redbridge Roundabout which provides accessibility to public transport within a short walk of the site. Re-opening of the footway over the motorway bridge was considered, as this would greatly assist sustainable transport to the site, but public opposition due to a history of anti-social behaviour associated with the use of the bridge has ruled this out. It is considered that subject to adequate detailed design of the proposed access to the development site, and conditions, supported by a number of off-site measures this proposal is acceptable in highways terms.
- 5.18 **SCC Sustainability Team** – The incorporation of the Linear Park and Attenuation Pond is welcome. The energy strategy adopts a hierarchical approach using passive and low energy design technologies to reduce baseline energy demand and CO2 emissions followed by the application of low and zero carbon technologies, which is supported. CO2 emissions reduction of over 35 % over the Building Regulations 2010 compliant baseline scheme. The renewable energy technologies of solar thermal and PV panels are predicted to achieve a 20 % CO2 reduction. When unregulated uses are taken into account there is a predicted reduction of 27 % in the development's annual CO2 emissions. Energy efficiency measures include: high performance glazing; Improved building fabric; Low building air leakage rate; high efficiency gas fired boilers; variable speed fans and pumps; low energy lighting; automatic lighting control with occupancy and daylight dimming controls; building management system to provide sophisticated energy efficiency controls. The provision of a decentralised energy centre (DEC) for the development incorporating a gas fired CHP to provide the heating and hot water base load for the development and an air cooled chiller to provide chilled water to facilitate the comfort cooling of the development has been reviewed by the applicant and concluded as not viable for the development for various technical and financial reasons.
- 5.19 **SCC Heritage Team** – Previous evaluations in this area revealed that the archaeology has been destroyed by extensive quarrying associated with the construction of the M271. No archaeological conditions are required.
- 5.20 **SCC Environmental Health (Pollution & Safety) -**

Noise

Guidance in terms of planning applications was revised in 2012 by the use of the National Planning Policy Framework (NPPF), which also makes reference to the Noise Policy statement for England (NPSE) All other current planning policy guidance was withdrawn by the NPPF. British Standard 4142 titled Methods for rating and assessing industrial and commercial sound was revised in 2014.

5.21 I have read the amended Resound acoustic report, which was submitted following my assessment of their original report where I felt there was insufficient mitigation to protect all the nearby residential properties. The current report recommends several different levels of mitigation depending upon the use of the site. The worst case scenario is if the site is used by refrigerated trailers, which run at night. It is assumed within the noise report that the noise generated within the premises will be no louder than 75 dB(A). There will be some maximum noises louder than this, but this seems a reasonable level to assume for a transport distribution centre. I will not be able to condition this noise level at the boundary, as it should be around the background level, and so it will not be measurable and therefore not enforceable. I am not aware of permissions conditioning internal noise levels within buildings. The noise increase from the development will not increase the current noise levels by more than 2dB, which will be almost imperceptible, but will be audible. The report states anything above 3dB will require mitigation. Maximum noise levels measured outside the site will be no more than 60dB, which accords with an internal noise level of less than 45dB internally, so sleep disturbance should not occur. The design level for any building services plant is designed to be inaudible outside the site. As the final use of the site has not been decided, I can only recommend the maximum level of mitigation is applied as recommended in the Resound report RA 00325-Rep1. Two scenarios are calculated for the noise levels, scenario one where there are no refrigerated trailers, scenario two where all the docks to the building are occupied by refrigerated trailer that are plugged into the mains. BS 4142 requires that the specific noise level from the site, has penalties added to calculate the rating level. On this occasion, a penalty has been added for the reversing alarms. Assuming the site is used by refrigerated trailers, the recommendations in Scenario 2 in para 6.4 of the acoustic report requires a bund and fence height of 12 metres, This bund height is required to allow the site to operate at night with the doors open. If the doors are required to be kept shut to allow a less high acoustic barrier, then it is unlikely the site can operate on a 24 hour basis.

5.22 Matters to condition

- Provided the bund of 12 metres is built, then the highest predicted noise levels will be in Gover Road 1 measuring position of +2dB in a worst case scenario. This would be within impact rating of NOEL, no observable effect.
- This design of 12 metre bund will also require the compressors of the refrigerators to be plugged into the mains electrical supply and this should be conditioned.
- Where the dock doors are open at night, a canopy is recommended in the report, and further details of this should be submitted for approval by the LPA.
- The report in para.6.9 recommends a management plan for the site, and I would ask for a management plan be submitted by the site operator once the site is operational
- Noise from construction should be controlled via a construction management plan.

5.23 Air Quality

The Air Quality report recognises that as traffic from this site goes south on the M271 that air quality impacts for NO₂ will be slightly increased around the Coniston Road area. This increase is not sufficient for me to object to this application, but mitigation measures including vehicle charging points within the parking area of the site, and for some contribution to help with our air quality action plan, and low emission strategy would be welcomed..

5.24 **SCC Environmental Health (Contaminated Land)** - No objections subject to conditions. Further assessment/investigations are required to provide further reassurances that nearby controlled waters will not be affected by the development. Unless the results of the further assessment can provide reassurance that no gas/vapour risks exist, a detailed scheme of remediation will need to be submitted. The risk assessment to date is largely based on the development including a significant area of hard standing, we will require further details of the landscaping plan as it will essentially form part of the remediation strategy. The report submitted indicates that potential pollutant linkages may be present and that further investigations/assessment is required. Consequently it would seem appropriate that the management of land contamination risks be regulated through the planning process.

5.25 **SCC Ecology** – The application site is located on the western side of the M271 motorway on the western edge of Southampton. It lies just under 50m to the east of the Lower Test Valley Nature Reserve although it is separated from this land by the main Southampton to Salisbury railway line. The site comprises a large area of improved grassland with a hedgerow, trees of varying ages, scrub and tall ruderal vegetation around the perimeter. Outside the site, running along the eastern side of Test Lane, there is a substantial hedgerow which is severed by a cycleway. Along the western side of the road there are verges supporting rough grassland with trees and shrubs. The majority of the site is considered to be of relatively low ecological value however, ecological survey information supporting the application indicates that the boundary vegetation provides habitat for breeding birds and foraging bats whilst the verges along Test Lane support reptiles. The proposed development would result in the loss of the majority of the grassland habitat within the site however, a linear park will be created along the southern boundary. This park will encompass the existing hedgerow along the southern boundary and incorporate a six metre planted acoustic bund, wild flower grassland and a new pond. The linear park appears to have good ecological potential however, bearing in mind its role in surface water management and the fact that it could get very wet particularly in the winter, the lack of a footpath could reduce its recreation value. A detailed management plan will be required.

5.26 The proposed development is likely to lead to an increase in dog walking activity within the nearby Lower Test Marshes Nature Reserve which has the potential to result in adverse impacts on the Solent and Southampton Water SPA and Ramsar site, Solent Maritime SAC and Lower Test Valley SSSI. The impacts arising from this activity will need to be mitigated before consent can be granted. Impacts from noise, vibration and light, particularly during the construction phase, should be fairly straightforward to manage. Details of appropriate mitigation measures need to be set out in a Construction Environmental Management Plan (CEMP). The loss of part of the existing hedgerow is regrettable. Replacement planting of the same species and density as the existing will be required to mitigate

the loss. Mitigation measures designed to minimise adverse effects upon designated sites and other features of biodiversity value will be required. Such measures will need to be secured through planning conditions or other legally enforceable means.

Response

These comments were prepared in advance of the preparation of the Habitats Regulation Assessment which is in Appendix 2 to this report. The mitigation measures and management arrangements can be secured through Section 106 obligations and conditions.

- 5.27 **Network Rail** - No objection, the construction works would pose low risks to the operation of the railway. Further details should be submitted to Network Rail relating to the means of construction, the type and colour of the cladding material etc.
- 5.28 **Hampshire Constabulary** – state they were consulted by the applicant's agent as described in the Design and Access statement. Several recommendations were made in relation to the layout of the scheme, defensible space, boundary treatments, surveillance and landscaping. I am pleased to see the applicant has indicated a willingness to address all these issues in the revised scheme. Of particular concern was the proposed footpath along the eastern and northern edge which would have created a relatively isolated area lacking surveillance opportunities and escape routes. This in turn could result in the space being used for crime and anti social behaviour and potentially put legitimate users at more risk. The repositioning of the units will create a larger amenity space to the south where activity can be observed more easily and assist in protecting the development perimeter. The applicant is further engaged with the Police regarding necessary security measures to tackle crime and disorder in line with their BREEAM requirements and I am confident they will be able to meet them.
- 5.29 **Southern Water** – No objections subject to imposition of conditions and informatives. There is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. It could increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

Response

The applicant has been in contact with Southern Water and the Drainage Strategy submitted with the application is to address these comments with Sustainable Urban Drainage to deal with surface water drainage issues. Further details can be sought by condition.

- 5.30 **Natural England - No objection.**
The application site is within or in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site and also notified at a national level as

Lower Test Valley Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

5.31 Internationally designated sites

Solent and Southampton Water SPA

No objection (subject to conditions under the SSSI section of letter)

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

The Ecological Assessment states that during the construction phase, noise levels at the edge of the SPA are predicted to be 54 to 70dB, depending on location of plant and phase of works. The ground works, including piling, is likely to be the noisiest phases of work. Therefore the assessment presents a set of avoidance and mitigation measures to reduce noise impacts to the adjacent SPA set out in the Ecological Assessment, and these should be secured by any permission granted.

5.32 Solent Maritime SAC

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, will need to screen the proposal to check for the likelihood of significant effects. The applicant's ecological assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

5.33 Nationally designated sites

No objection – with conditions

This application is in close proximity to Lower Test Valley Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. The measures to reduce noise impacts to the adjacent SPA set out in the Ecological Assessment (dated November 2014 by The Ecology Practice) should be secured by any permission granted.

5.34 Highways England - No objections.

- 5.35 **Environment Agency** - No objections to the proposed development in terms of flood risk. The site is within Flood Zone 3 and has a high probability of flooding. The applicants Flood Risk Assessment states that the finished floor level of the proposed buildings will be no lower than 3.9 metres AOD with a design flood level of 3.6 metres AOD in 2070. It is therefore assumed that these buildings should not be subjected to internal flooding over the lifetime of the development. Following recent changes, the Environment Agency is no longer responsible for surface water drainage.
- 5.36 **City of Southampton Society** - consider the proposed buildings should be sited at the northern end of the plot giving a necessary 'green lung' of protection to the residents of Gover Road. Suitable planting of trees (semi-mature specimens) and shrubs could reduce the noise to these residents. Some consideration should be given to the opening times of the proposed development to limit noise to not before 07.00 or after 18.30 hours. Should the units be used for storage purposes, the materials being stored should not require refrigeration thus avoiding night time noise pollution. The problem of water run-off should not be solved by allowing the adjacent land to absorb the surplus and become a bog. The opportunity should be taken to provide a formal, safe and attractive water feature such as a properly constructed pond.

6. Planning Consideration Key Issues

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

- The principle of this form of development.
- Traffic and transport issues.
- Impact on the amenities of neighbours including noise.
- Environmental issues including air pollution and impact on ecology.
- Economic development considerations.
- Design.

6.2 Principle of Development

The history of this site is that it was originally used for sand and gravel extraction and was subsequently infilled following construction of the M271. The land subsequently became a grassed open area and was used on a temporary basis as a park and ride site for the boat show. Although the site is used by local residents as a dog walking area it is not officially public open space. This development is in accordance with site allocation Policy MSA19 in the Local Plan which has been part of planning policy since 2006. Local residents do not accept the way this policy evolved. A significant number of the objections to this planning application relate to the proposed use for Class B8 purposes and the manner in which the Local Plan site allocation came about. In the draft Local Plan, the site was allocated for either Class B1, B2 or B8 uses. Following the Local Plan inquiry, which took place in 2003 and 2004, the Inspector considered that the B2 and B8 uses would not be acceptable and consequently recommended that the site allocation should be for Class B1(b) and (c) uses only. These uses are light industrial and research and development. However, at that time, the plan making process allowed local authorities to take a different view from the Inspector providing the necessary arrangements on consultation and notification took place. The amendments to the policy were made in the correct way and the policy was

formally approved as part of the adopted Local Plan in March 2006. Members are therefore advised that the policy was correctly arrived at and the proposed uses are compliant with Local Plan Policy MSA19. As originally submitted, the application included one of the Units being used for general industrial purposes (Class B2). Consequently, the application was advertised as a 'departure' as the use was not in accordance with the site allocation. As amended, the proposed uses are policy compliant. A minimum of 80% of the floorspace would be for Class B8 purposes, although it is potentially possible that the whole scheme could be for B8 purposes. The principle of this form of development is therefore acceptable.

6.3 Traffic and Transport

Members attention is drawn to the detailed comments of the Highways Team in Paragraphs 5.14 to 5.17 of this report. Traffic conditions in this area have been particularly difficult recently mainly because of the major road works being carried out at the junction of the M271 with the M27. These works are of a temporary nature. The area to the north of the application site is a long established industrial area served by Junction 1 of the M271. The intention of this development is that all large vehicles will enter and exit the site from the north, thereby limiting the impact on the residential area to the south. There are lorry weight restrictions and other traffic calming measures in place, although it is difficult to prevent all rat running traffic through the residential streets. The design of the junction at the entrance to the site is such that heavy goods vehicles would not be able to turn out of the site in a southerly direction. Various measures for regulating the traffic operation of this site can be secured through the Section 106 agreement and by conditions. Government guidance within the NPPF states that decisions should take into account whether safe and suitable access to the site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF concludes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Based on the Transport Assessment and the Highway team's analysis that could not be concluded in this case. Furthermore, the site is allocated for industrial and warehousing development so it is not a case of comparing the proposal against the existing vacant condition of the site.

- 6.4 In terms of car parking numbers, the development is in accordance with the Council's maximum car parking standards. Each of the three buildings would have their own independent servicing and car parking areas. Local residents objections to the car parking arrangements are partly based on the applicants original estimate that the development could accommodate up to 750 employees. However, as mentioned elsewhere in this report, this number of employees is considered to be an over-estimate. As a potentially 24 hour operation, the businesses are likely to operate a shift system with the workforce spread over the day. The buildings have large yard spaces and it seems unlikely that employees would wish to park off site. The Section 106 agreement could include an obligation requiring the developer to carry out survey work of the car parking situation in adjoining residential streets once the development is operational and to investigate parking controls should this prove necessary.

6.5 Impact on the amenities of neighbours

It is inevitable that a large commercial development of this nature will result in a significant change to the character and appearance of the area. This is currently a green open space (although not protected as such) which a large number of local residents to the south of the site overlook. However, once the site was allocated in the Local Plan for industrial/warehousing development, it became inevitable that the long established industrial estates to the north would effectively spread on to this site. Local residents are understandably concerned about the impact this development will have on the amenities of the area especially in terms of noise, air quality, additional traffic movements and a general increase in the level of activity on the site. Part of the difficulty in making an assessment of the likely impact is that the proposal is speculative with no known end-user. However, this is quite common with developments of this nature. The supporting information submitted with the application, particularly the acoustic assessment, is based on a worst case scenario, involving refrigerated lorries within the yard serving all three buildings. Whilst it is theoretically possible that each unit could be a food distribution facility this is not likely. Furthermore, although the applicant is seeking unrestricted hours of operation it is not inevitable that all three uses will be as busy at night as during the day. Members attention is drawn to the comments of the Council's Environmental Health Team on noise in paragraphs 5.20 to 5.22 of this report and on air quality in paragraph 5.23. There is likely to be a noise impact resulting from HGV movements on site, including manoeuvring and reversing into loading bays. The local area is characterised by relatively high levels of background noise as a consequence of the M271, although these levels reduce in the most noise sensitive times at night. The conclusion of the noise experts is that with mitigation measures in place, the worst case scenario of operating conditions, would result in a noise level of +2dB when measured in Gover Road. This is within the noise rating of 'No Observed Effect Level' (NOEL) as defined in the Noise Policy Statement for England which is the level at which there is no detectable effect on health and quality of life due to noise. Other issues raised relating to noise can be covered by imposing planning conditions.

6.6 The open space

Policy MSA19 states that 'built development will not be permitted on the southern part of the site'. There is no definition in the policy of precisely what this means. It is understood that discussion at the Local Plan inquiry assumed a minimum area of 2 acres (0.8 hectares) would be made available as a local park on the southern part of the site which would act as a landscaped buffer as well as a new area of open space. The area proposed as a local park has been enlarged as a result of amendments to the application from 3 acres (1.22 hectares) as originally proposed to 4.43 acres (1.79 hectares) as now proposed. Although significantly smaller than the existing field (approximately 28% of the existing area), the provision of a permanent area of public open space would be a welcome improvement and would act as a landscaped buffer between the residents and the new development.

- 6.7 The application incorporates elements of Sustainable Urban Drainage Systems (SUDS) as required by national and local planning policies to limit flood risk and the impact on the existing drainage network. These measures include permeable paving within parts of the yards as well as the infiltration pond within the new park. This pond would effectively be a bunded area for retaining surface water during

heavy rain rather than a structure as such. Further details can be reserved by condition including measures for dealing with flood risk.

6.8 Economic Development Benefits

Turning to the need for new Class B8 warehousing development, various research carried out for PUSH and other organisations in recent years has recognised a shortage of Class B8 floorspace in South Hampshire, and a shortfall of suitable sites for large scale distribution facilities. This has been carried forward by Policy CS 6 of the Core Strategy, which identifies the need for 97,000 sqm of employment floorspace for industry/warehousing over the plan period. The proximity of the site to the motorway network makes this an attractive location for a distribution facility similar to those situated further to the north. The economic development benefits associated with this development are therefore considerable and a large number of new jobs would be created with positions likely to include warehouse operatives, office administrators, transport and logistic positions. For the application as originally submitted, the applicant estimated that up to 750 jobs could be created by this development. It is difficult to accurately estimate the number of jobs which might result given that this is a speculative development, i.e. there is no confirmed end user. However, a more conservative estimate, based on government sponsored research of employment densities would indicate approximately 300 full time equivalent jobs could be provided on this site. This would benefit the adjoining areas, Redbridge and Millbrook, which currently has quite a high level of unemployment. These employment benefits to the local area can be secured through the training and employment management plan as part of the Section 106 agreement.

6.9 Design

These buildings will be substantial modern warehouse buildings. These large warehouse structures with delivery bay openings will inevitably be somewhat monotonous and it is difficult to include features of interest which would be visible from outside the site; it is important to restrict window openings to limit future noise problems. The choice of external materials is acceptable and further details can be sought through a condition. The acoustic fence and bund between Units 1 and 2 would be a substantial structure, up to 12 metres in height, but this is considered to be necessary to mitigate noise impact. There would be a landscaped screen but this will take some years to establish. Although the buildings and screening would be dominant structures in the landscape, being on the north side of the residential neighbours, there would be no adverse impact in terms of sunlight and daylight.

6.10 Ecology Issues

Members attention is drawn to the comments of the Council's Planning Ecologist in paragraphs 5.25 and 5.26 of this report. In particular Appendix 2 of this report is the Habitats Regulation Assessment necessary as part of this development. This assessment is required before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. The Habitats Regulation Assessment concludes that a number of avoidance and mitigation measures have been examined to remove any risk of a significant effect on the identified European sites. On this basis, it has been concluded that the significant effects which are likely in association with the

proposed development can be overcome. Members are recommended to endorse this conclusion to allow the planning application to be decided.

- 6.11 Although the site is not itself of significant ecological value, the application will result in the loss of 8 trees, 3 on the eastern boundary and 5 from the hedgerows on the Test Lane frontage. The loss of part of the hedgerow on the Test Lane frontage is regrettable as it is of importance due to its age and quality. The amount of hedgerow to be removed will depend on highway alterations to be carried out in Test Lane, in particular the proposed reduction in traffic speeds along this stretch of the road. If the traffic speed were to be reduced to 30 miles per hour, the amount of hedgerow needed to be removed would be only about 42 metres (needed for traffic visibility). It is regrettable that an area of mature hedgerow is to be removed but this would be needed for any form of development to be carried out in accordance with the policy. Significant new tree planting will be possible in the new park, meeting the Council's normal requirement of tree replacement on a 2:1 basis. A landscape scheme and mitigation package can be secured by conditions.
- 6.12 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 per dwelling has been adopted for residential development. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Although this application is not for residential development there is considered to be an impact resulting from the loss of the existing field which has clearly been used informally as an area for dog walking. The applicants Ecological Assessment considers that the proposed linear park will provide better quality and lawful recreation opportunities. However, the loss of an area previously used for dog walking could place additional pressure on the adjoining Lower Test Nature Reserve where the potential exists for disturbance of over wintering birds. The applicant has agreed an appropriate compensation payment to fund a warden scheme aimed at controlling the effects of such recreational pressure on the protected areas. This can be secured through the Section 106 agreement. On this basis the application will have complied with the requirements of the SDMP and meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7. Summary

- 7.1 These are substantial new buildings, on a previously open site, which will significantly change the character and appearance of this part of the city. The land is identified in the Council's Local Plan for development of the type proposed in this application. The economic development and employment opportunities weigh

in support of the proposal. It is inevitable that there will be an impact on local residents in terms of noise and additional traffic. On balance, and subject to safeguards in the Section 106 agreement and conditions, it is considered that the issues of transport, neighbour impact and environmental issues have been satisfactorily addressed.

8. Conclusion

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(f), 4(b), 4(g), 4(m), 4(vv), 6(a) and 6(b).

RP2 for 04/08/2015 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 - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

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

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

includes:

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

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

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

Reason:

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

04. APPROVAL CONDITION - Land Contamination investigation [Pre-Commencement]

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

1. A report of the findings of the additional assessment/investigation, characterising the land gas and groundwater regime and allowing for potential risks (as identified in phase 1) to be assessed.
2. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

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.

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason:

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

06. APPROVAL CONDITION - Use of uncontaminated soils and fill [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.

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 - 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 and to safeguard the special ecological value of the adjoining nature reserve.

09. 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.

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

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

Reason:

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

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

Condition Informative 2

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

11. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)

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

Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason

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

12. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended or any subsequent amending Order) the buildings hereby approved shall only be used for the purposes specified in the application, namely Storage and Distribution (Class B8) for Units 1 and 3 and either Business Use (Class B1(c) or (Class B8) for Unit 2.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and to comply with Policy MSA19 of the Local Plan.

13. APPROVAL CONDITION - Restriction on use (Performance Condition)

The maximum floorspace of the development hereby approved shall be 19,132 square metres gross and the development shall not be sub-divided or occupied by more than three businesses at any one time.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

14. APPROVAL CONDITION - Junction Details [Pre-Commencement Condition]

No development shall commence until details of the junction between the proposed service road and the highway have been approved in writing by the LPA and the development shall not be brought into use until that junction has been constructed in accordance with the approved plans.

Reason:

To ensure a safe access to the site is achieved.

15. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

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

Before the building is first occupied full details of facilities to be provided for the storage

and removal of refuse from the premises 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 thereafter.

Reason:

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

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

The whole of the car parking, cycle storage and servicing facilities for the uses hereby approved shown on the approved plans shall be laid out and made available before the building to which the facilities relate is first occupied and thereafter retained solely for the use of the occupants and visitors to that building and for no other purpose.

REASON

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

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

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

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

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Excellent against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

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

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

Reason:

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

21. 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

22. 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 in the southern elevations of Units 1 or 3.

Reason:

To protect the amenities of the adjoining properties.

23. APPROVAL CONDITION - Sustainable Urban Drainage (Pre-Commencement Condition)

No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason

To ensure the proposed SUDs arrangements are provided in a satisfactory manner.

24. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

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

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

Reason:

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

26. APPROVAL CONDITION - No open storage (Performance Condition)

No open storage or loading/unloading of vehicles shall take place within the yards of the buildings.

Reason:

To protect the amenities of neighbouring residents.

27. APPROVAL CONDITION - Noise Mitigation Measures (Pre-Occupation Condition)

No part of the development shall be occupied until detailed noise mitigation measures, to include canopies above the loading dock and a scheme of management measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation and retained thereafter.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours.

28. APPROVAL CONDITION - Refrigerated Vehicles (Performance Condition)

Any refrigeration vehicles serving the site shall use electrical hook up facilities rather than diesel engines.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours.

29. APPROVAL CONDITION - Refrigeration Compressors (Performance Condition)

Any refrigeration equipment within the buildings shall utilise electric compressors and not diesel.

Reason:

To limit noise and disturbance and to protect the amenities of neighbours.

30. APPROVAL CONDITION - Hedgerow removal (Pre-Commencement Condition)

No hedgerow shall be removed until details of arrangements for replacement of the hedgerow have been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details.

Reason

In the interests of ecological mitigation.

31. 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)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car and Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
NE7	Rail Corridor
HE6	Archaeological Remains
CLT7	Provision of New Public Open Space
MSA19	Test Lane South

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Habitats Regulations Assessment (HRA)

Application reference:	14/01911/FUL
Application address:	Land At Test Lane Southampton
Application description:	Redevelopment of the site to provide 19,132 square metres of employment floor space in three buildings (Units 1 and 3 to be storage and distribution use (Class B8), Unit 2 to be Business use (Class B1c) 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 (amended description following alterations to the planning application).
HRA completion date:	14/07/15

HRA completed by:

Lindsay McCulloch
 Planning Ecologist
 Southampton City Council
 Lindsay.mcculloch@southampton.gov.uk

Summary

The project being assessed would lead to the development of three buildings providing approximately 20,000 square metres of industrial and/or storage and distribution space in close proximity to a section of the Solent Maritime SAC and Solent and Southampton SPA/Ramsar site.

The site is currently a field which, although fenced off, is used by dog walkers. The development during its construction phase is likely to result in higher levels of noise, dust generation and lighting. There is also a low risk of contaminants being mobilised. During the operational phase elevated light levels will remain however, levels of noise and dust generation should diminish. The development will also result in the permanent displacement of dog walking activity which is likely to lead to increased recreational disturbance with the nearby Lower Test Marshes Nature Reserve.

The findings of the initial assessment concluded that a significant effect was likely through a number of impact pathways. 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 **the significant effects which are likely in association with the proposed development can be overcome.**

<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.</p>	<ul style="list-style-type: none"> ▪ Solent Maritime Special Area of Conservation (SAC) ▪ Solent and Southampton Water Special Protection Area (SPA) ▪ Solent and Southampton Water Ramsar Site
<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 an increase in employment floor space and open storage 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"> • Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) • City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) • South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) • Lidl Distribution Centre, Brownhill Way Construction is due to start shortly on a new Regional Distribution Centre (42,820 square metres gross floor space - Class B8) with 186 associated car parking spaces and HGV hardstanding. <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m2 of office development and 550,000m2 of manufacturing or distribution floor space across the South Hampshire area between 2011 and 2026.</p> <p>Southampton Core Strategy (amended 2015) aims to provide additional office space of at least 110,000 sq. m., 97,000 sq. m of industrial and warehouse uses plus about 90,000 sq. m new comparison shopping. This is in addition to 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>The site at Test Lane is identified as a Major</p>

Employment Area within the Core Strategy and the proposed development complies with Policy CS 6 – Economic Growth. The site is also allocated for Class B1(c) and B8 uses under Policy MSA 19 of the Local Plan as amended).

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.

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 40m to the west of a unit of the Solent and Southampton Water SPA, Ramsar site and the Solent Maritime SAC. The designated land also forms part of the Lower Test Valley Site of Special Scientific Interest (SSSI) and lies within the Lower Test Marshes Nature Reserve which is owned and managed by the Hampshire and Isle of Wight Wildlife Trust (HIWWT)

The Solent Maritime SAC is designated for a range of habitats including tidal rivers, estuaries, mud flats, and salt marshes. The Solent and Southampton Water SPA and Ramsar site are designated for a range of breeding and over-wintering wetland bird species and for a significant assemblage of over-wintering wetland birds. A full list of the qualifying features for each site is provided at the end of this report.

The development could have implications for these sites which could be both temporary, arising from construction activity, or permanent arising from the on-going impact of the development when built.

The site is not immediately adjacent to the designated sites nor does it support any regular foraging or roosting activity by species for which the Solent and Southampton Water SPA and Ramsar site are designated. Direct impacts are therefore unlikely.

Reports submitted in support of the planning application identified the following indirect effects:

- Noise;
- Light;
- Air quality;
- Mobilisation of contaminants.

The Hampshire and Isle of Wight Wildlife Trust in their comments to the Local Planning Authority, dated 5th and 13th January 2015, identified the following additional indirect effects:

- Increase in recreational disturbance on the nature reserve;
- Habitat loss or degradation (of the designated site itself or associated habitats such as foraging or roosting areas used by interest species).

A number of avoidance and mitigation measures have been proposed which are summarised as follows:

- A Construction Environment Management Plan (CEMP) covering:
 - Piling methodologies
 - Timing of works
 - Noise levels
 - Control of surface water runoff
 - Dust suppression
 - Control of light levels
- A financial contribution of £35,000 to the Hampshire and Isle of Wight Wildlife Trust
- Provision of a linear park incorporating a balancing pond
- A detailed lighting plan

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 development of three buildings providing approximately 20,000 square metres of industrial and/or storage and distribution space in close proximity to a section of the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The site is currently a field which, although fenced off, is used for dog walking. The development during its construction phase is likely to result in higher levels of noise, dust generation and lighting. There is also a low risk of contaminants being mobilised. During the operational phase elevated light levels will remain however, levels of noise and dust generation should diminish. The development will also result in permanent displacement of dog walking activity which is likely to lead to increased recreational disturbance with the nearby Lower Test Marshes Nature Reserve

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 would not result in a significant effect on the identified European sites. Overall, there is the potential presence of both temporary and permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

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

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

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

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

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

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

TEMPORARY, CONSTRUCTION BASED EFFECTS

Noise disturbance

Solent and Southampton Water SPA/Ramsar Site

The SPA and Ramsar site are designated primarily for supporting a significant assemblage of over-wintering birds. Wintering birds are known to be susceptible to noise disturbance, particularly sudden loud noise associated with activities such as piling, which can cause birds to cease feeding or take flight. This in turn leads to a reduction in the birds' energy intake and an increase in expenditure of energy which can affect their survival.

Studies of birds' response to noise associated with other developments have established that below 50decibels (dB) there is little effect, between 50dB and 70dB there is moderate to high effect (head turning, scanning, reduced feeding) and above 85dB there is the maximum response of flying away. It has also been established that where sound is regular, birds will become habituated to it even if it is significantly higher than 85dB.

A noise study undertaken in support of the development modelled noise levels on the edge of the designated site. During the construction phase noise levels on the boundary of the designated site were found to be in the range of 54dB to 70dB, dependent upon the position of piling rigs. At the higher end of this noise range birds' response could be expected to include head-turning and scanning behaviour, but is unlikely to involve leaving the site.

Ground works, including piling, are likely to be the noisiest part of the construction phase.

Measures such as commencing noisy activities gradually so that the noise level builds up to the maximum over several minutes, locating noisy activities on the eastern side of the site first to allow birds to become habituated, avoiding noisy activities during very cold weather and use of appropriate screening around the site can all help to ensure that the 70dB level is not exceeded. These measures would need to be detailed in the CEMP.

Light disturbance

Solent and Southampton Water SPA/Ramsar Site

Lighting associated with the construction phase of the development has the potential to affect wetland birds feeding and roosting within the nature reserve. Measures to control site lighting will be included within the CEMP.

Air quality;

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The most significant air quality risk from the construction phase is the generation of dust which can smother habitats. The air quality assessment assessed the designated sites as being of high sensitivity to dust emissions however, as they are located over 20 m from the site boundary, the overall sensitivity was reduced to 'medium' in relation to earthworks and construction but high in relation to 'track-out'. A number of mitigation measures including site screening, locating machinery and dust causing activities as far away from the designated sites as is practical, damping down dusty surfaces and covering piles of construction materials are detailed in Section 8 of the Air Quality Assessment. Incorporation of these into the CEMP would enable significant effects to be avoided.

An assessment of NO_x emissions along Test Lane found that the increase would be insignificant and therefore no impacts can be expected on the designated sites.

Mobilisation of contaminants.

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The contamination report identifies marginally raised levels of metal contaminants present across the site and raised levels of ammoniacal nitrogen in the northern section. Elevated concentrations of magnesium, potassium and sodium were also identified in groundwater samples.

Groundwater monitoring established that ground water is present between 1.06m below ground level (BGL) and 2.44m bgl. The monitoring also established that the groundwater is not influenced by tidal movements in the Test estuary. The groundwater is assumed to flow in a south-westerly direction toward the River Test. In addition, based on the current land use, there is the potential for contaminants to be carried into the River Test via soil water infiltration and groundwater migration.

A potential pathway has been identified between contaminants present on the site and the River Test. Should this pathway occur, it would be possible for contaminants to

enter designated habitats, including salt marsh and mudflat, and the food chain of wetland birds.

During the construction phase piling has been identified as an activity that could facilitate movement of contaminants. Although the risk is considered to be low, the Contamination Report recommends agreeing a specific piling methodology with the Environment Agency. This mitigation measure is considered to be appropriate.

Displacement of recreational activity and trampling of habitats

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The application site currently comprises an open field which, although fenced, has been used regularly for dog walking. No formal visitor survey data has been provided however, the ecologists undertaking the ecological appraisal noted dog walkers using the site. This is supported by comments from HIWWT indicating that they have spoken with local people and established that the site has been used regularly for over 30 years. Redevelopment of the site will therefore result in displacement of dog walking activity.

A linear park has been included in the design of the development however, this is substantially smaller than the current site and will not provide a secure space to allow dogs to be exercised off leads as is currently the case. The likely consequence is that dog walkers will seek alternative sites.

The Lower Test Marshes Nature Reserve, which contains section of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site, is likely to prove a suitable alternative. Access can be gained via a public footpath, approximately 250m to the north of the proposed development site, and once on site there is an extensive area of saltmarsh/grassland which are likely to prove attractive to dog owners seeking to exercise their dogs off the lead.

Potential impacts arising from increased recreational disturbance are likely to include trampling of saltmarsh vegetation and disturbance to migratory and wintering bird species, both of which are features of the SAC and SPA/Ramsar site. In addition, the Wildlife Trust has stated in its comments to the Local Planning Authority that survey data they have collected over a number of years indicates that, “the area in the vicinity of the public access onto the site, and most likely to be impacted if the proposals go ahead, is regularly used by wintering wildfowl, such as wigeon *Anas penelope*, teal *A. crecca* and mallard *A. platyrhynchos* and also by the common snipe *Gallinago gallinago* and jack snipe *Lymnocyrtes minimus*. The area also supports important saltmarsh communities, and these are particularly susceptible to trampling.”

Research undertaken into the effects of recreational activity at SPA locations has shown that some forms of recreation, including dog walking, have the potential to result in mortality in the SPA bird populations. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (SDMP)

([http://www.solentforum.org/forum/sub_groups/Natural Environment Group /Disturbance and Mitigation Project/](http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/)). An increase in recreational activity on the nature reserve, without a consequent increase in site management, has the potential to lead to significant adverse effects.

Restricting access from Test Lane is likely to prove difficult due to the presence of a public footpath. The Wildlife Trust has indicated that they believe a combination of increased reserve officer presence and/or the erection of a new stock proof fence along the footpath are likely to be required to ensure that there are no adverse impacts on the designated habitats or species.

Although this development is not a residential scheme, and therefore falls outside the remit of the Solent Recreation Mitigation Partnership, the applicant has indicated that they are willing to provide a sum of £35,000 (equivalent to a theoretical 200 house development) to be used to fund mitigation measures within the Lower Test Marshes Nature Reserve. This sum of money, to be secured via a legal agreement, would be provided to the Hampshire and Isle of Wight Wildlife Trust to be spent on mitigation measures to be agreed with the Local Planning Authority.

The provision of this sum of money will enable management of increased recreational activity within the nature reserve and thus avoid adverse impacts on designated habitats and species.

PERMANENT, OPERATIONAL PHASE IMPACTS

Noise

Solent and Southampton Water SPA/Ramsar Site

Noise levels on the edge of the designated site were assessed as being around an average of 40dB with peaks up to 58dB. This falls within the Low to Moderate range and is only likely to lead to minor response from the birds. Bearing in mind that the birds are already likely to be exposed to regular high levels of noise from trains using the adjacent railway line it is unlikely that the noise emanating from the development will lead to adverse impacts.

Light disturbance

Solent and Southampton Water SPA/Ramsar Site

Once complete, the development will result in a higher level of lighting on the site. This lighting is likely to be in operation throughout the night.

A lighting assessment based upon the ILP 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' has been carried out. This assessment used the more conservative category of E1 – Natural, Intrinsically dark (National Parks, Areas of Outstanding Natural Beauty etc.), due to the close proximity of the dark nature reserve, rather than the E2, Rural, low district brightness (e.g. village or relatively dark outer

suburban locations) that would have been dictated by the presence of housing. This more stringent criteria provides a margin of safety.

The assessment indicated that the development will produce no direct upward light. In addition, there will be no adverse impacts from light trespass, due to the distance between the site and the designated site, or light presence which is negligible due to the screening effect of buildings and vegetation. A slight increase in glare, is likely to occur although this still complies with the criteria for limiting obtrusive light in an E1 environmental zone.

The assessment was undertaken on a theoretical design for the external lighting rather than a confirmed design therefore, to ensure that these standards are carried through to the final design, a detailed lighting scheme will be secured through a planning condition.

Air quality

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The assessment predicted a negligible increase in both NO_x and N-deposition within the designated sites and therefore no adverse effects are likely.

Mobilisation of contaminants

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

A Flooding Report undertaken by Capita Symonds notes that in localities where the water table is able to infiltrate into the made ground there is potential for leaching of contaminants into the groundwater. Therefore, large areas of the site cannot be used for surface water infiltration as this would cause mobilisation of contaminants. As an alternative, it is proposed that a balancing pond is incorporated into the design of the new linear park. In addition, once the development is complete the higher level of sealed surfaces will reduce the opportunity for water infiltration and thus reduce the risk of transport of contaminants in groundwater. It is considered that these measures will provide an improvement on the current situation.

Displacement of recreational activity and trampling of habitats

Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site

The issues in the operational phase are identical to those of the construction phase and the same mitigation measures apply.

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

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

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed

avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome.** The mitigation measures which are detailed below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
 - Piling methodologies
 - Timing of works
 - Noise levels
 - Control of surface water runoff
 - Dust suppression
 - Control of light levels
- A financial contribution of £35,000 to the Hampshire and Isle of Wight Wildlife Trust
- Provision of a linear park
- A detailed lighting plan

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

European Site Qualifying Features

Solent and Southampton Water SPA

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

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

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

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

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

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline

lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.

- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

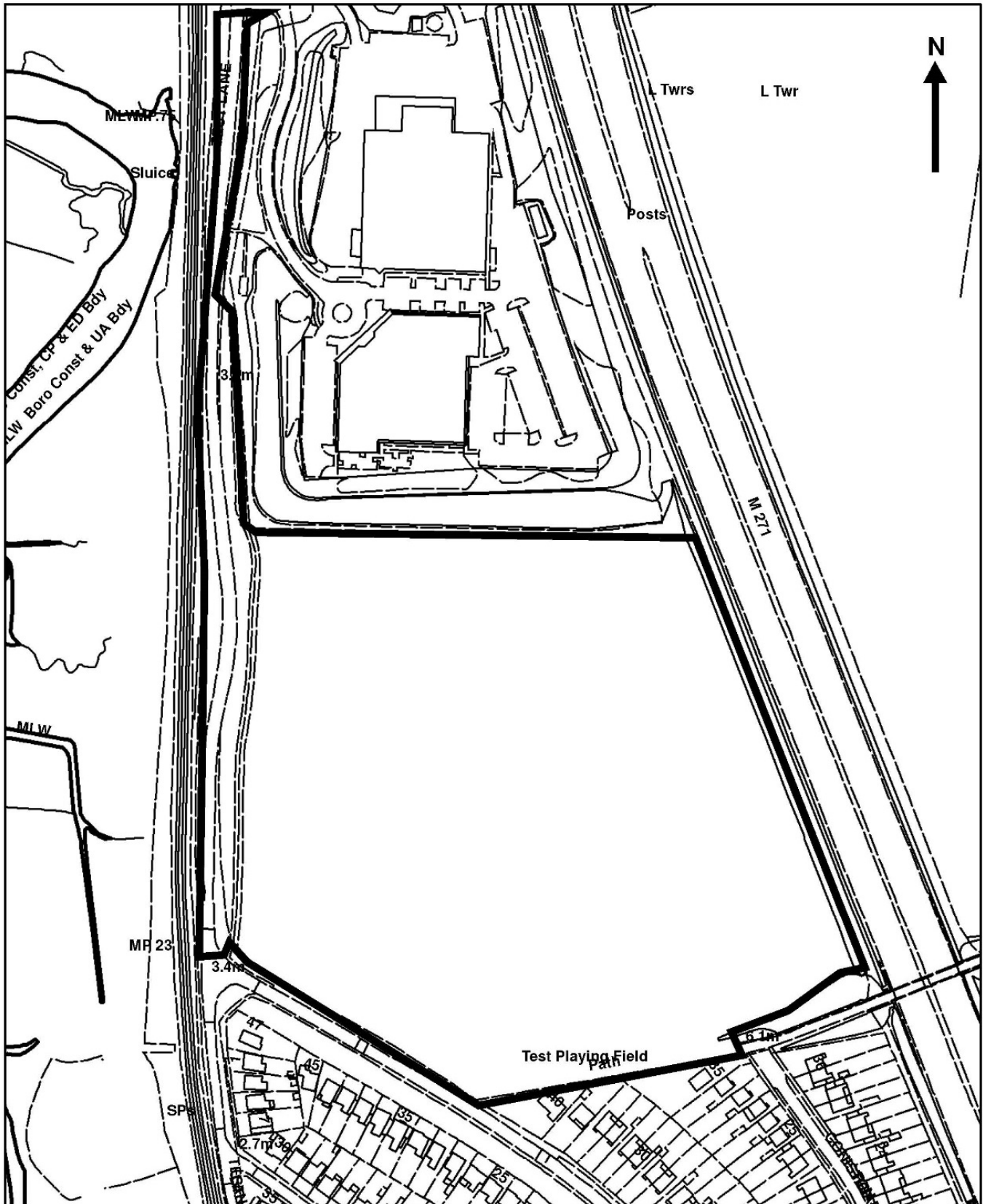
Solent Maritime SAC

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

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

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

- Desmoulin's whorl snail *Vertigo moulinsiana*



Scale: 1:2,500

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 27 October 2015
Planning Application Report of the Planning and Development Manager**

Application address: 224 Portswood Road, part of the former Portswood Bus Depot, at the junction of Portswood Road and Belmont Road, SO17 2LB			
Proposed development: Development of the site to provide 260 Purpose Built Student Accommodation flats (443 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.			
Application number	15/01158/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	28.10.2015	Ward	Portswood
Reason for Panel Referral:	Major application with objections	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Norris

Applicant: Orchard Homes (Portswood) Ltd	Agent: Paris Smith LLP
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including parking pressure, impact on neighbouring amenity, design and character; and the loss of the post office and gym on the site have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, CLT5, CLT6, H1, H2, and H7 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS3, CS4, CS5, CS7, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council's current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached	
1. Habitats Regulation Assessment	2. Development Plan Policies
3. Planning History	4. Site Plan

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 confirmation from Natural England that they remove their holding objection and 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 education 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. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
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 is part of a wider site which previously contained the First Bus depot. The bus depot buildings have since been demolished, the site cleared and part recently developed to provide the Sainsbury's supermarket.
- 1.2 This application relates to the north-east part of the former bus depot site and adjoins Portswood Road to the north, the new vehicular access to Sainsbury's to the west and Belmont Road lies to the east and south of the site boundary. Not included as part of this application, is the final parcel of land relating to former bus depot site which lies to the south of the supermarket, to the corner of Belmont Road and St Denys Road.
- 1.3 The application site itself is subject to a significant change in levels; Portswood Road slopes up from east to west at this point and the land also falls towards Belmont Road. The site is subject to group Tree Preservation Order which comprises a mixed species group to the north-east corner of the site, a group and group outside the south-east corner of the site, along Belmont Road.
- 1.4 The context is varied and comprises the vibrant District Centre, just over 100 metres to the west, together with more traditional residential streets, which includes Belmont Road. The neighbouring Sainsbury's supermarket is a two-storey, flat-roof building, although steps up in height from 12 to 17 metres on the Portswood Road frontage.

2 Proposal

- 2.1 The application seeks full planning permission to develop the site to provide purpose-built student accommodation. Following concerns raised by officers regarding the scale and design of the building, the scheme has been amended since originally submitted. In particular, the height of the Portswood Road frontage has been reduced and the design amended to reduce the perceived massing of the building.
- 2.2 The accommodation is comprised of 3 blocks of accommodation arranged around a central courtyard area. A mix of student accommodation is provided in the form of cluster flats (small groups of study bedrooms arranged around a communal kitchen), 1-bedroom flats and self-contained 2 and 3-bedroom flats.

- 2.3 **Block A** fronts Portswood Road and the amendments to the scheme have mostly affected this part of the proposal. In terms of scale, initially the application proposed part 4 and part 6-storey frontage to Portswood Road. This block now steps up from 4-storeys from the corner with Belmont Road, to a 5-storey central section and the 6-storey element is limited to the section of building adjacent to the access to the supermarket. This block has been designed to take advantage of the change in levels on the site, meaning an additional lower level of accommodation is provided to the rear, although only apparent from the central courtyard of the development.
- 2.4 Block A also incorporates the main entrance to the development, located at the corner of the building, adjacent to the vehicular access to Sainsbury's. This entrance leads to the main reception of the development and a stepped access to the internal courtyard. The lower level courtyard can also be accessed by an internal lift. The ground floor of Block A also incorporates common room areas and a gym. The lower level of Block A comprises the main servicing and storage areas for the building, including cycle storage and room for a standalone Combined Heat and Power system.
- 2.5 In terms of form, Block A has a flat-roof appearance and the 4 and 5-storey sections would be finished using a buff facing brick. The 4-storey section would be set-back from the boundary with Portswood Road by between 5 and 17 metres to enable the retention of the protected tree group to the corner. The 5-storey central section is set back from the 6-storey corner section of building by approximately 1 metre. The 6-storey element would be finished in using a contrasting rainscreen cladding.
- 2.6 **Block B** adjoins Block A, connected by an internal corridor and is positioned parallel with the access to Sainsbury's. This block would also be 6-storeys in height and is set off of the boundary with Sainsbury's by over 5 metres and away from the boundary with Belmont Road by approximately 36 metres. Tree planting is proposed between the building and the boundary with Sainsbury's. As with Block A, due the change in levels across the site, Block B also incorporates a lower level of accommodation, apparent from the internal courtyard.
- 2.7 **Block C** is physically detached from Blocks A and B, although the primary entrances to the building are via the internal courtyard. This block is set back by approximately 4 metres from the boundary with Belmont Road to accommodate a new row of tree planting to the Belmont Road frontage. Block C is predominantly 3-storeys in height with pitched roof and gable ends facing Belmont Road. The block steps up to a 4-storey element adjacent to the boundary with the Sainsbury's store, although this angles away from the Belmont Road frontage.
- 2.8 A total of 10 car parking spaces would be provided to the north-east of the site and accessed from Belmont Road. The intention is that access to these parking spaces would be controlled and mainly used to manage the arrival and departure of students at the start and end of the academic year.

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

4 Relevant Planning History

- 4.1 There have been a number of previous applications for the whole bus depot site seeking the redevelopment of the site for a supermarket and residential accommodation. The planning history includes 3 previous planning permissions. The relevant planning history of the site is summarised in **Appendix 3** of this report.

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 (07.08.15) and erecting a site notice (07.08.15). At the time of writing the report **33** representations have been received from surrounding residents and interested parties which includes from Ward Councillor Claisse, the Highfield Residents Association, the Portswood Residents’ Gardens Trust and Portswood Central Residents Association. The following is a summary of the points raised:

- 5.2 *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:

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. Since the site is within walking distance of the University of Southampton and accessible to the Uni Link Bus stops, the proposal would fulfil this aim. The development is designed to take access from Portswood Road meaning the future occupants can access the District Centre, with its shops and facilities and public transport links to the city centre, whilst avoiding quieter residential streets as primary access routes.

- 5.3 *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. The implementation of this management plan is proposed to be secured through the section 106 legal agreement (see recommendation 2 xii above). It is also recommended to introduce a residents parking scheme within the vicinity of the site and to prevent occupiers of the development from being issued with on-street car parking permits. These controls together with excellent accessibility of the site is considered to adequately manage the travel demands of the development.

5.4 *The amount of accommodation proposed is excessive.*

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, 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.

5.5 *The scale would be imposing and overbearing when viewed from nearby residential properties and result in over-shadowing/loss of light to them. The design appears utilitarian.*

Response:

As set out in section 2 above, the scheme has been amended since originally submitted to address concerns relating to the scale and design of the proposal. The largest scale buildings on site are proposed to be located on the Portswood Road frontage and adjacent to the existing Sainsbury's store. Where buildings would have a closer relationship to existing domestic residential properties, the scale is reduced to closely follow the parameters of the outline planning permission. The application is accompanied by a shadow analysis and this demonstrates that the proposal would not generate harmful over-shadowing to neighbouring residents.

5.6 *The need for family housing and affordable housing is acute and 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.

- 5.7 *As the development would be privately run, there is no guarantee that the development would be used for students.*
Response:
As set out in recommendation 2 ii above, a clause would be added to the section 106 legal agreement to restrict the occupancy of the development to students.
- 5.8 *Concern with the lack on on-site management.*
Response:
The application submission sets out that there would be on-site management of the accommodation which will sign up to the Southampton Accreditation Scheme for Student Housing (SASH). This is proposed to be secured through the section 106 legal agreement.
- 5.9 *Loss of trees and the proposed tree planting will take a long time to mature.*
Response:
The application is designed to enable the retention of the significant protected tree group to the corner of the Portswood Road and Belmont Road and proposes replacement tree planting along Belmont Road, enhanced tree planting along the boundary with Sainsbury's, new tree planting along the frontage of the development with Portswood Road together with tree planting within the internal courtyard of the development. The impact on the landscape setting of the site is, therefore, considered to be acceptable.
- 5.10 *Concern that the site is being considered in isolation to the other residential parcel on the wider Portswood Bus depot site.*
Response:
Sainsbury's supermarket does physically separate the application site from the last section of the former Portswood Bus Depot site and the application proposal can, therefore, be considered on its own merits without prejudicing the future delivery of the remainder of the site.
- 5.11 *The proposal would not preserve or enhance the special character of the Portswood Residents Garden Conservation Area.*
Response:
The proposed development would not be visible from the Conservation Area and is not part of the direct setting of the Conservation Area. As such, the Council's Historic Environment Group Leader has raised no objection to the proposal.
- 5.12 *Concern with the impact of the proposal on local drainage.*
Response:
Southern Water have not objected to the application and conditions are recommended to secure adequate drainage for the development.
- 5.13 *The use of buff bricks is out-of-character with the area.*
Response
Existing buildings within the context of the site are finished in a variety of material treatments which also includes buff/yellow bricks (including nos. 160-162, 180-188, 297, 317, 327 Portswood Road as well as the flats directly opposite the site). The materials suggested indicate that a high-quality finish to the building would be achieved and as such, are considered to be appropriate.

Consultation Responses

- 5.14 **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, bus stops and the District Centre. There will also need to be a funded consultation with local residents on the implementation of a parking permit scheme, and subject to the outcome of the consultation, the implementation of that scheme.
- 5.15 **SCC Heritage and Conservation** - No objection or conditions suggested.
- 5.16 **SCC Sustainability Team** – No objection subject to conditions to secure energy and water efficiency measures.
- 5.17 **SCC Environmental Health (Pollution & Safety)** – No objection subject to conditions to minimise disruption to residents during the construction process.
- 5.18 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.
- 5.19 **SCC Ecology** – No objection.
- 5.20 **SCC Trees** – The existing trees on site are protected by a Tree Preservation Order. It is accepted that some trees are of poor quality, but collectively their landscape value is significant. The degree of tree removal and replacement is not clear at this time. Any replacement trees must be given sufficient room to achieve their full potential and this does not appear to be possible within the current layout. *This is discussed in more detail below.*
- 5.21 **SCC City Design** – Initially raised concern with the lack of articulation to the Portswood Road frontage. A step change of the building would assist with this and assimilating the scale of the building into the Portswood Road street scene. Requested verified views of the development from Belmont Road. The scheme has been amended to address these points.
- 5.22 **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.
- 5.23 **Natural England** – Holding Objection. Concerned that the impact of the development on the New Forest National Park has not been adequately assessed.
- 5.24 **Environment Agency** – No objection or conditions suggested.

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;
 - (iii) The impact on the living conditions of nearby residents;
 - (iv) Impact on trees;

- (v) Highways and parking and;
- (vi) 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, at the edge of the District Centre, with excellent public transport links to the city centre and, approximately 900 metres walking distance to the University of Southampton 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 currently there are some 31,000 students in the city and 12,000 existing student bed spaces. This number includes sites with planning permission for student accommodation and sites where student accommodation is under construction. 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 bring a long-term vacant site back into active use, as such, the principle of development is, therefore, acceptable.

6.3 (ii) Suitability of the Design

- 6.3.1 It is acknowledged that the context of the site typically comprises buildings of between 2 and 4 storeys, however, the Council’s policy framework recognises that taller buildings can be appropriate in certain specified locations. In particular, ‘saved’ Local Plan Policy SDP9 confirms that tall buildings (those which are 5 or more storeys) are generally permitted on major sites and in and adjacent to the district centres. The principle of a taller building in this location is, therefore, supported by the adopted Development Plan. The taller sections of the building are limited to the Portswood Road frontage of the site. The development steps up from 4-storeys at the corner with Belmont Road, to the tallest section adjacent to Sainsbury’s. The 6-storey element now provides a ‘book-end’ to the access to Sainsbury’s, reflecting the tallest point of the Sainsbury’s store, directly opposite the site.
- 6.3.2 The amendments to the design, which include a reduction in the scale of the building to achieve a clear graduation in height towards Sainsbury’s together with clear breaks in the massing of Block A, result in the frontage appearing as three distinct elements. This is a considerable improvement to the massing and design of Block A as originally proposed and better reflects the more varied character of the area. It is considered that the proposal would successfully finish off this section of the Portswood Road frontage of the former bus depot site and will also assist in integrating the existing supermarket better into the surrounding context.

Furthermore, the development will effectively screen the long, blank eastern elevation of the Sainsbury's Store, with high-quality built form. The development has been designed to provide active ground floor uses to Portswood Road, including the main entrance, reception of the development and a gym. Overall, the submitted information indicates that a high-quality design appearance would be achieved in terms of the choice of materials and architectural detailing.

- 6.3.3 The remainder of the development closely follows the scale parameters set by the previous outline planning permissions on this site. The development is built around a central landscape courtyard, which provides a sense of space between the blocks, ensuring that the level of development does not appear over-intensive. A perimeter block style layout is achieved, which ensures the development addresses the streets that wrap the site boundaries. Whilst the Belmont Road frontage is a continuous block of development, the design successfully breaks the massing with front gables that reflect the narrower plot widths typical within the area. Furthermore, the built form to Belmont Road would provide enclosure to the street that would limit views to the taller sections of development at the front of the site.
- 6.3.4 The application proposes a high quality residential environment for occupants of the development. Outlook from habitable room windows would be generally good and residents would have access to an internal landscaped courtyard of over 1000 sq.m in area. The development also provides for internal facilities for residents including common rooms and an on-site gym.

6.4 (iii) Impact on Living Conditions

- 6.4.1 In terms of the type of accommodation proposed, it is likely that there could be some degree of noise and disturbance given the relatively high-density student occupation of the development. However, Portswood Road is a relatively busy road and the development is designed to take access from Portswood Road rather than the quieter Belmont Road to the rear of the site. In particular, it should be noted that the entrances to Block C are all within the north-western elevation of the building rather than from Belmont Road. As set out above, the application confirms that the development will include management presence on site, available 24 hours a day, 7 days a week for students or local residents to contact, which should limit any adverse impact on local amenity.
- 6.4.2 In terms of the physical impact of the proposed building, as noted above, the scale of the development is reduced where a closer relationship to residential neighbours would occur, to closely follow the parameters set by the outline planning permission. The taller buildings on site are set away from properties on Belmont Road by between approximately 43 and 55 metres and with intervening lower-scale buildings limiting views of the taller aspect of the development. This would ensure that the taller buildings would not have an over-bearing impact when viewed from the more domestic scale neighbouring buildings or result in any harmful overlooking.
- 6.4.3 In terms of sunlight impact, shadow diagrams have been submitted with the application and demonstrate that some overshadowing would occur to the residential properties opposite the site on Portswood Road in the morning and, in the late afternoon, there would be some additional overshadowing to properties at the northern end of Belmont Road. However, for the majority of the day, nearby residential properties would be unaffected by over-shadowing and as such, there

would not be harmful impact on residential amenity.

6.5 (iv) Impact on Trees

- 6.5.1 As set out above, the Council's Tree Officer has raised concerns that it is not clear from the submission whether there is sufficient space within the development to provide the necessary replacement tree planting. The impact of the previously approved development on trees is a material consideration, particularly since the layout benefits from a resolution to grant planning permission.
- 6.5.2 The proposed layout of the development is not dissimilar to the approved layout with regards to the impact on protected trees. Both the current proposal and the approved layout, leave a similarly sized undeveloped zone at the north-east corner of the site to enable the retention of the existing protected group. Both the previously approved scheme and the current application would result in the same degree of tree loss along the Belmont Road frontage. It is acknowledged that the current layout is constrained in terms of the level of replacement planting that can be achieved along the Belmont Road frontage, but this is not considered to be a worse situation when compared with the previously approved layout. Furthermore, in discussions with the tree officer, it is considered that an alternative species to that proposed would be more appropriate and can be secured by planning condition. In addition to this, the current application includes a significantly larger internal courtyard which could accommodate additional tree planting when compared with the approved layout. As such, it is considered that, subject to securing the necessary tree protection measures for the retained trees, and securing the necessary replacement trees, the proposal is considered to be acceptable in this respect.

6.6 (v) Highways and Parking

- 6.6.1 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 car parking on site would essentially serve the moving in and out of students, meaning effectively, the application would be a car-free scheme. 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.
- 6.6.2 The vehicular access to the site would be from Belmont Road, so not to affect the flow of traffic on Portswood Road. The Highways Team are satisfied with the location and design of this access is acceptable.

6.7 (vi) Protected Habitats Impact and other Direct Local Impacts

- 6.7.1 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 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).

- 6.7.2 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. As recommended, subject to Natural England agreeing to the Council's approach set out in **Appendix 1**, the development is, therefore, considered to be acceptable in this respect.
- 6.7.3 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.
- 6.7.4 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 The proposed development would bring a long-term vacant, previously developed site back into active use. Given the accessibility of the site to the University of Southampton and Southampton Solent University, the provision of further purpose built student accommodation in this location is consistent with the Council's adopted policies and would meet an identified accommodation need. The applicant has worked with officers of the Council to reduce the scale and massing of the development and to provide an enhanced design approach to Portswood Road. The proposal is considered to have addressed concerns initially raised and

is, therefore, supportable.

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 27/10/2015 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 dwellings, 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.

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

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

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

Reason:

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

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

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

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

Reason:

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

08. APPROVAL CONDITION - replacement trees [Performance Condition]

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

Reason:

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

09. APPROVAL CONDITION - 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.

10. 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

11 .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.

12. 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.

13. 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

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

The Ecological Mitigation Measures shall be implemented fully in accordance with the submitted Ecology Report and thereafter retained as approved.

Reason:

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

15. 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.

16. APPROVAL CONDITION - Sustainability statement implementation [Pre-Occupation Condition]

Prior to the first occupation of the development hereby granted consent, written documentary evidence proving that the development has implemented the approved sustainability measures as contained in the report Energy Statement ' issue 02 July 2015 C6028 shall be submitted to the Local Planning Authority for its approval. Technologies that meet the agreed specifications must be retained thereafter.

Reason:

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

17. APPROVAL CONDITION - BREEAM Standards [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).

18. 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).

19. 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.

20. 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 vinyls or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

21. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

22. 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.

Habitats Regulations Assessment (HRA)

Application reference:	15/01510/FUL
Application address:	224 Portswood Road, Southampton S017 2AD
Application description:	Proposed development of land at 224 Portswood Road, Southampton S017 2AD (the former Bus Depot Site) to provide purpose built student accommodation
HRA completion date:	05/10/2015

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 443 bedspaces located approximately 1km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and 7.5km from the New Forest SPA/Ramsar site.</p> <p>The site is currently vacant having been previously used as a bus depot. 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 the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<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"> ▪ New Forest SPA ▪ New Forest Ramsar site ▪ Solent and Southampton Water (SPA) ▪ Solent and Southampton Water Ramsar Site
<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>

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

- Southampton Core Strategy (amended 2015) (<http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf>)
- City Centre Action Plan (<http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx>)
- South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm)

The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floorspace across the South Hampshire area between 2011 and 2026.

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.

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.

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 910m 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 7.6km 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 11th August, 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 'Response to Objection by Natural England, September 2015, have been proposed as part of the development:

- No parking spaces, apart from 4 for disabled 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 220 secure cycle parking spaces and a free cycle rental scheme within the accommodation.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.

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 443 bedspaces for students located approximately 1km from Solent and Southampton SPA/Ramsar site and 7.5km from the New Forest SPA/Ramsar site.

The site is currently vacant having been previously used as a bus depot. 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 7.6km 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 by termination of the letting agreement (see para 7.1.4 of the Framework Travel Plan submitted with the planning application). Facilities at the proposed development will be limited to just 10 car parking spaces, consisting of 4 disabled spaces and 6 staff spaces. 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:

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

The Framework Travel Plan, in paragraph 4.1.1, 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 . 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 20 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 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.

Figure 3 of the Framework Travel Plan (page 10) shows walking distances from the development site. Southampton Common lies within a 20 minute walking distance west to 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. Figure 4 of the Framework Travel Plan (page 11), is an extract from the Southampton Cycle Map which demonstrates that carriageways adjacent 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.

Just outside the city boundary, to the north-east, are the Itchen Navigation (3.5km) and Itchen Valley Country Park (4.5km). 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 7.6km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 10.4km whilst the closest section when travelling purely by road is approximately 12km. It is unlikely, therefore, that visits made on foot or by bicycle will 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

Destination	Service frequency (outside of peak hours)	Journey time
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 SPA. This enables financial contributions by developers to be made to fund appropriate mitigation measures. The report to the Cabinet of 19 August 2014 acknowledged that impacts on the SPA would be less likely from single bedroom car free developments within the city centre and student residential schemes than from typical family dwellings and that these would be exempted from the need for mitigation. This took account of the lower likelihood that residents of single bedroom flats with no car ownership and particularly students would visit the waterfront areas of the SPA and would be less likely to own dogs. As the current proposals are for 443 bedspaces with no car parking spaces for students (except for 4 spaces for disabled persons) and limited to student occupation the impact on the New Forest SPA would be similarly limited, particularly as the site is even further from the New Forest sites

than it is from the Solent SPA.

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

- No parking spaces, apart from 4 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 220 secure cycle parking spaces and a free cycle rental scheme within the accommodation.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.

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.**

Application 15/01510/FUL

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
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

Parking Standards 2011

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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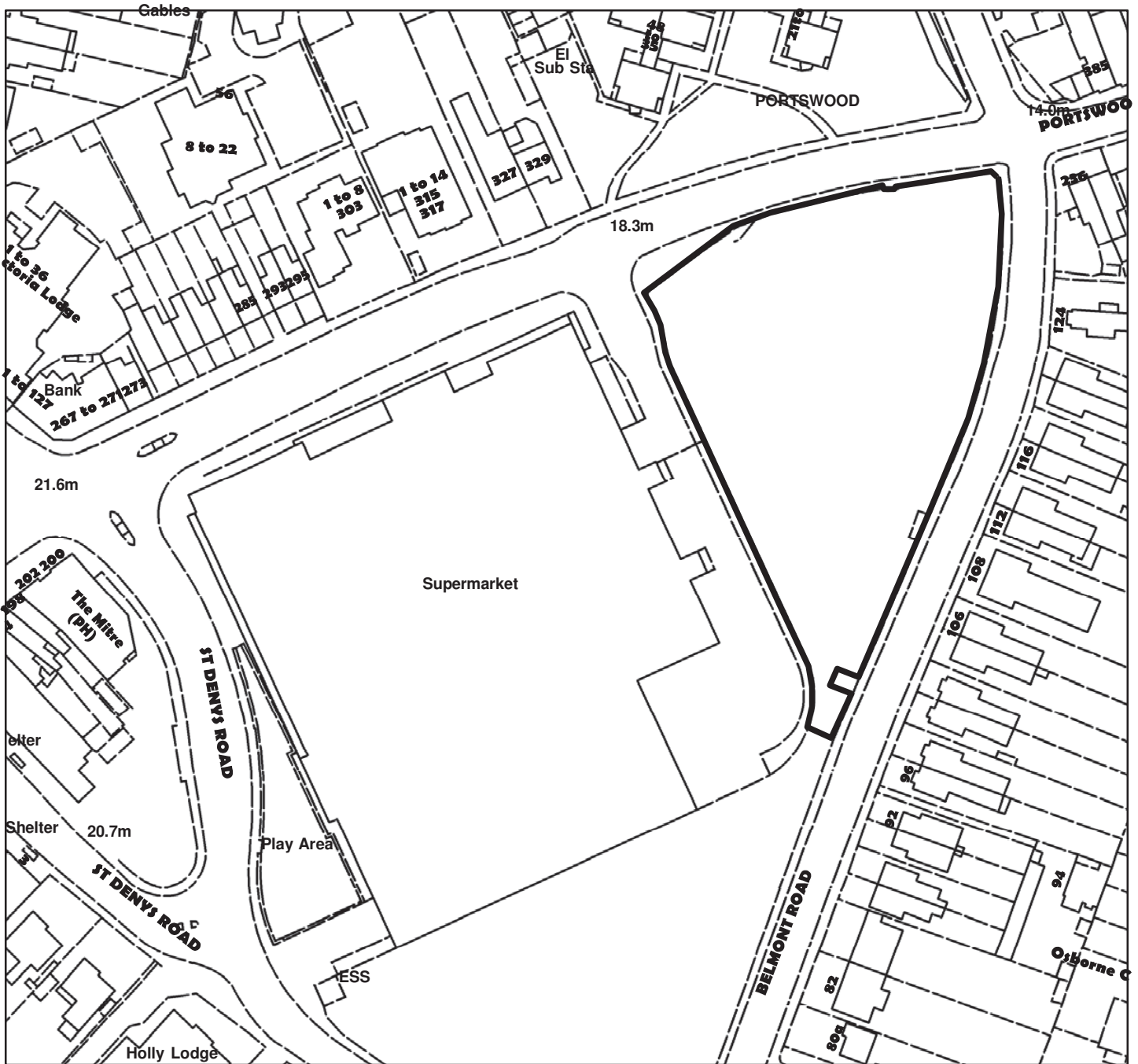
Application Number	Proposal	Decision	Summary
05/01407/FUL	Demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6907 sq.m gross floor space (Class A1 retail) provision of 14 residential units, vehicular access from Portswood Road and St Denys Road with 398 car parking spaces. (Note: this application is for part of the site only - see also application number 05/01409/OUT	Refused 03.07.07	Subject to a Planning and Rights of Way Panel resolution of grant planning permission. Application was called in for determination by the Secretary of State and refused for the impact on character and living conditions. This related to the flats relationship with the decked car park and the decked car parks poor appearance within the street.
05/01409/OUT	Demolition of existing buildings. Redevelopment of the site to provide a supermarket of 6907 sq.m gross floorspace (Class A1 retail), provision of 73 residential units, vehicular access from Portswood Road, St Denys Road and Belmont Road with a total of 441 car parking spaces and a primary care health facility. (Outline application for the whole site seeking approval for siting of buildings and means of access - see also application number 05/01407/FUL)	Refused 03.07.07	Submitted and refused concurrently with the application listed above.
08/00386/OUT	Demolition of the existing buildings. Redevelopment of the site to provide a new supermarket (Class A1 retail - 6,578 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1), with associated 40 space car park and public play area (no matters reserved for later approval) and 140 residential units (22 houses, 118 flats) with 119 associated car parking spaces (details of appearance reserved for later approval).	Conditionally Approved 11.12.07	Hybrid application. All matters approved for the supermarket and residential approved in outline. The scale of the residential ranged from 3 storeys fronting Belmont Road and 4-storeys to the Portswood Road frontage.

Application 15/01510/FUL

09/00513/OUT	Demolition of the existing buildings. Redevelopment of the site to provide a new supermarket (Class A1 retail - 7,492 square metres gross floorspace) with associated 325 space car park, medical centre (Class D1) with associated 40 space car park and a public play area (no matters reserved for later approval) and 140 residential units (22 houses and 118 flats) with 119 associated car parking spaces (details of appearance reserved for later approval - revised application)	Conditionally Approved 18.01.10	Hybrid application. All matters approved for the supermarket and residential approved in outline. This application amended the initial planning permission with an increase in the height of the buildings fronting Portswood Road and other amendments which included changes to the access points.
10/01399/OUT	Redevelopment of the site to provide a new supermarket (Class A1 retail 9,730 square metres gross floorspace with associated 344 space car park, new community use (Class D1 1,166 square metres gross floorspace) and public play area (no matters reserved for later approval) and 59 residential units (29 houses and 30 flats) with 49 associated car parking spaces (details of landscaping and appearance reserved for later approval)	Conditionally Approved 02.11.11	Hybrid application. All matters approved for the supermarket and residential approved in outline. The key changes to this application included the omission of the health centre and subsequent increase in the size of the supermarket and a reduction in the number of residential units due to the provision of more family housing.

Application 15/01510/FUL

11/01877/FUL	Variation or removal of the following conditions of planning permission ref 10/01399/OUT to provide a new supermarket. Variation of condition 20 to allow opening hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 17:00 on Sundays and imposition of restrictions on the use of the car park by the public to prevent access earlier than 30 minutes prior to the store opening and 60 minutes after the store closing time. Variation of condition 41- delivery hours, to allow no more than 3 deliveries to be received or items despatched from the retail building between the hours of 2300 to 0700 Monday to Saturday. On Sundays no deliveries to be take place before 0800 and no more than two deliveries to take place after 6pm. Variation of condition 58- to restrict the allocation of the parking spaces for the D1 use to between the hours of 0900 and 17.30 Monday to Friday.	Appeal allowed 10.10.12	
12/00094/NMA	Non-material amendment to 10/01399/OUT comprising: Roof mounted flue to serve bio-mass boiler, 3 x external access ladders to roof, balustrades to raised walkways, alterations to window detail at 2nd floor level on south elevation (to D1 Use), additional windows to first floor level on south elevation (facing St Denys' Road), Fire escape stair to rear elevation, repositioning of canopy support in north east corner of site (fronting Portswood Road), removal of solid canopy section above store entrance and additional fencing to rear boundary along retaining wall.	Approved 28.02.12	
12/00091/FUL	Relocation of substation.	Approved 17.11.2014	
14/01783/OUT	Redevelopment of the site to provide 59 dwellings (29 houses and 30 flats) with associated access and parking (Outline application seeking approval for access, layout and scale)	Pending Decision	Resolution to grant planning permission subject to the completion of the s106 legal agreement. This applications renews the residential planning permission



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 27 October 2015
Planning Application Report of the Planning and Development Manager**

Application address: Former Oaklands School (Oasis Academy Lordshill), Fairisle Road, SO16 8BY			
Proposed development: Redevelopment of the site to provide 103 dwellings in two and three storey buildings (41 flats, 62 houses) with associated access, parking and landscaping (involves diversion of existing cycleway and footway - outline application seeking approval for access, layout, scale and landscaping).			
Application number	15/00340/OUT	Application type	OUT
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	21.07.2015 (MAJOR) Extended 02.11.2015	Ward	Coxford
Reason for Panel Referral:	Request by Ward Members and Major planning application subject to five or more letters of objection	Ward Councillors	Cllr Morrell Cllr Spicer Cllr Thomas
Referred by:	Ward Cllr Morrell Ward Cllr Thomas	Reason:	Car Parking Loss of Right of Way Affordable Housing

Applicant: Southampton City Council	Agent: Capita Property & Infrastructure
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Recommendation Summary	<ul style="list-style-type: none"> i) Approve the Habitats Regulations Assessment ii) Conditionally approve outline planning application iii) Confirmation of Right of Way Stopping Up & Diversion
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the proposed development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 27th October 2015. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the neighbouring Fairisle schools at the start and end of the school day, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. An assessment under the current Habitat Regulations has been undertaken and confirms that the development can mitigate against its impacts upon the affected Special Protection Areas in the local area. The scheme has been assessed against the following policies and is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has

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

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

Appendix attached			
1	Habitats Regulation Assessment (HRA)	2	HRA – Appendix 2
3	HRA – Appendix 3	4	HRA – Appendix 4
5	Development Plan Policies	6	Site Plan

Recommendation in Full

1. Panel confirm the Habitats Regulation Assessment in **Appendices 1-4** of this report and then:
2. Conditionally approve the Council’s outline planning application; and,
3. Approve the proposed stopping up and diversion to the existing Right of Way along the site’s western boundary.

Procedural Context and Background

This type of application is known as a ‘Regulation 3’ application and relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider. It is general practice that, following the proper assessment of the planning merits of the proposal, Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal/appeal.

Furthermore, as the Council is unable to enter into a S.106 legal agreement with itself, as would be the case with other applicants, the mitigation package and affordable housing required to make this development acceptable will be secured as part of the contract of sale when the land is sold to a developer. The National Planning Policy Guidance (NPPG) confirms that a planning condition can take the place of the S.106 legal agreement in such cases to ensure that the agreement is secured prior to the commencement of development and does not fetter the release of the planning permission – assuming that this recommendation is supported by the Planning Panel.

The application was removed from the Panel agenda on 23rd June 2015 following the late receipt of a holding objection from Natural England (NE). At that time NE were of the opinion that the scheme had not properly explained how it would mitigate the impact of residents from the development using the New Forest Special Protection Area for recreational purposes. The attached Habitats Regulations Assessment (HRA) at **Appendices 1-4** has addressed this issue and needs approval by Panel prior to the determination of the planning application. It concludes as follows:

The application site is a former school within the centre of Lordshill. The distance between the designated sites and the application site mean that temporary construction phase

*impacts will not occur. There is a risk however, that during the operational phase, recreation activity, in-combination with recreational activity arising from other residential developments in south Hampshire could adversely affected the designated birds and habitats. The findings of the initial assessment concluded that a significant effect was likely through one impact pathway. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects which are likely in association with the proposed development can be overcome.***

In light of the HRA NE no longer object to the planning application.

1.0 The site and its context

1.1 This application relates to the redevelopment of the former Oaklands Secondary School site, which was accessed directly from Fairisle Road. The site has a gross area of 3.14 hectares. The school itself ceased occupation in 2013 following the opening of the Lordshill Academy (LPA ref: 10/01283/R3CFL), and has been demolished for health and safety reasons prior to the application being submitted (LPA ref: 13/00498/DPA). Prior to these demolition works taking place the site was developed as a secondary school with hard surfaces for sports use and a car parking area.

1.2 The character of the area is predominantly residential with terraced housing fronting the street. The application site itself slopes broadly north to south and is characterised by mature trees, a central landscape bund and the recently refurbished Oakland's swimming pool (with community centre), which forms the site's eastern boundary. The site's southern and northern boundaries are marked by mature trees, a pedestrian footpath and right of way.

1.3 The Lordshill District Centre is located to the south-east of the site and can be easily accessed by foot via the existing subway. The Fairisle Infant (including a nursery) and Junior Schools are located to the south-west of the site within easy and convenient walking distance of the site. Locally the site is identified as having 'high' accessibility due to there being more than 20 buses an hour within 400m of the site, with good access to local employment, shops and services provided at the Lordshill District Centre (including a library, doctor's surgery and church).

1.4 The trees on the site are largely located around the perimeter and are mostly planted as part of a landscape scheme. Two mature oak trees at the western corner of the site and one sweet chestnut at the northern entrance to the school are considerably older and larger than the other trees. As the site is owned by the Council it treats these trees as if "they were subject to tree preservation orders" although no formal TPOs apply to the site. A TPO may be applied to these trees prior to any subsequent land sale. The site is not within a Conservation Area.

2.0 Proposal

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

site's 'Landscaping' and tree loss/replacement. The following residential mix is proposed:

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

- 2.2 The proposed buildings are a mix of two and three storey blocks with pitched roofs, although the exact design and external appearance is reserved at this stage. The scheme proposes 35% affordable housing, which is compliant with Policy CS15, and 43% of the dwellings meet the definition of family dwellings providing at least 3 bedrooms and a private garden that is 'fit for purpose'. The policy CS16 requirement for family housing is 30%.
- 2.3 The Fairisle Close access is retained and the pool is given its own access from Cromarty Road thereby making it a self-contained site. An internal loop road is proposed with housing fronting the street in a perimeter block layout. Onsite public and private amenity space is provided. In order to improve the residential layout and security/surveillance of the public spaces it is proposed to divert the existing north-south footpath (on the site's western boundary) through the site thereby avoiding the need for a footpath running along the backs of proposed residential gardens. The existing pedestrian access towards the south-east subway is retained.
- 2.4 A total of 177 on-site parking spaces are provided, including 2 garaged spaces and 12 visitor spaces. An allocation of 2 spaces per house and 1 space per flat is proposed. All dwellings have access to private amenity space, in the form of balconies, gardens, and communal open space that is supplemented by the provision of on-site public open space and a children's play area. The proposals include the removal of 22 existing trees (some of which have been given a Category B rating worthy of retention). A full tree replacement on a 2:1 basis is proposed and it is likely that the site will be TPO'd in the event that it is released to a private developer.
- 2.5 The Council has secured the approval of the Secretary of State for the disposal of the school site. Whilst capital receipts are not ring-fenced it is proposed that the capital receipt from the sale of the land with outline planning permission to a private developer will be used to retro-fund the recent investment in the adjacent Oakland's swimming pool site (as agreed by Cabinet and Council in October and November 2013 respectively). To date capital funding totalling £1.67 million for the pool (in various tranches) has been approved and the pool has now reopened following its last closure. Whilst this is relevant background it should not influence the consideration of this planning application.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 5**. LDF Policy CS11 seeks to safeguard education sites unless it can be demonstrated that the land and/or buildings are no longer needed for educational use. The opening of the nearby Academy (LPA

ref: 10/01283/R3CFL) allows this site to be released for an alternative use in accordance with Policy CS11. The Council's Strategic Housing Land Availability Assessment (SHLAA) earmarks the site for some 120 dwellings.

- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

- 4.1 Various historic applications relating to the former school site followed by a series of applications leading up to the redevelopment of this site, and the refurbishment of the retained pool and community room:
- 4.2 14/01901/R3CFL – Conditionally Approved 05.01.2015
Alterations to the former Oaklands Nursery Building in connection with conversion to a community centre
- 4.3 14/01754/R3CFL – Conditionally Approved 16.12.2014
Formation of car parking area and vehicular access onto Rownhams Road North and alterations to pedestrian access within the site.
- 4.4 14/00855/R3CFL – Conditionally Approved 13.08.2014
Reconfiguration of car park to provide 45 parking spaces in total, including 2 disabled spaces and 5 motorcycle spaces, 20 cycle spaces and other environmental improvement works to paths, storage and furniture.
- 4.5 13/01609/DPA – No objection 07.11.2013
Prior Approval for the proposed demolition of the SEN Building.
- 4.6 13/00498/DPA – No objection 24.07.2013
Prior approval for the proposed demolition of existing buildings (excluding the swimming pool, pre-school and SEN buildings)

5.0 Consultation Responses and Notification Representations

- 5.1 The City Council (as applicant) have engaged with the local community regarding the scheme and held a public consultation event on 13th February 2015. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners (28.04.15), placing a press advertisement (08.05.15) and erecting a site notice (01.05.15). At the time of writing the report **16 representations** have been received from surrounding residents (including 2 Ward Cllrs).
- 5.2 **Cllr Thomas** – Objection lodged.
Panel members need to be aware of the history of this location and recognise the

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

5.3 Two Real Opportunities

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

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

5.5 Two other concerns are

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

5.6 **Cllr Morrell** – Objection lodged

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

5.7 The planning application includes the incorporation into the development of existing footpaths and cycle-ways on two sides of the site and replacing them with new footpaths within the development. Given that the existing footpaths and cycle-ways are used continuously by local residents and by large numbers of pupils of Oasis Academy during certain times of the day I am not sure that the proposed new footpaths will be adequate or appropriate.

- 5.8 The planning application does not include any provision for affordable homes - this omission needs to be rectified.
- 5.9 **Response** to the Cllrs concerns relating to car parking, the affected right of way and affordable housing by officers:
- 5.10 *1. Car Parking*
The Council (as applicant) should be treated the same as any other applicant and they have a right to have their planning application considered and determined as submitted. The existing problems with parking in the vicinity of the Fairisle Schools are well documented, but are not caused by the current proposals. In fact it is unlikely that residents of the new development would chose to drive to Fairisle Schools, thereby exacerbating an existing problem, given that the school gates are only some 250m from the furthest proposed dwelling. In addition the proposal for 103 dwellings is supported by 177 of its own parking spaces (including 12 visitor parking spaces) thereby exceeding the Council's maximum parking standards. Every property has its own allocated parking reducing the likelihood of any overspill. Furthermore, the loss of the former secondary school to an alternative use should actually ease pressure caused by parents dropping off and collecting children at the start and end of the school day.
- 5.11 Whilst the idea of a drop-off car park to serve the school may be a good one, and the concerns of the Cllrs and affected neighbours are noted and relevant, it too raises a number of issues:
- 5.12 Firstly, the applicant does not wish to include a car park in their scheme and, instead, needs to secure a capital receipt to retro-fund the Oaklands pool refurbishment that may have otherwise closed. Any reduction in the site's developable area will reduce the likely capital receipt. The applicant's application should be determined as submitted.
- 5.13 Secondly, the City's schools are trying hard to discourage parents/pupils from arriving by car – with varying success - and providing additional off-site school parking would undermine this approach. The City's schools are not providing car parking for parents drop off and collection needs, and instead seek to encourage parents to use alternative modes than the car. In this instance, the applicants have reported that (in addition to a commitment to greener travel) the schools have agreed an arrangement with the nearby Sainsbury's to allow parents to park there ahead of drop-off and collection. It is hoped that this will ease the pressure on local roads close to the school – however this arrangement has been in place for a number of years and may need revisiting.
- 5.14 Thirdly, additional and convenient parking may encourage more parents to drive which could exacerbate the problem further.
- 5.15 Fourthly, as the Fairisle schools (junior, infant and nursery) currently have a combined pupil role of some 670 children it is unclear how many extra car parking spaces would be needed before the existing problem could be satisfactorily resolved.
- 5.16 Finally, it is unclear who would take on the ownership, liability and ongoing management responsibilities of any retained car parking spaces.

As such, this particular objection to the current planning application, whilst fully

5.17 understood, should be afforded little, if any, weight in the planning application's determination principally because the parking issues are caused by the nearby school and not the proposed development itself. A planning condition is, however, recommended to ensure that deliveries during the construction phase do not occur at peak times for the local schools.

2. *Right of Way*

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

3. *Affordable Housing*

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

5.20 The following is a summary of the points raised by affected neighbours and third parties in relation to this application:

- Need for parking to serve the existing Fairisle schools.
See response above.
- Loss of vital cycleway.
See response above.
- Density of development is out of keeping (too high).

Response

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

- Loss of trees and shrubs.

Response

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

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

Response

The site is within walking distance of the Lordshill District Centre, adjacent to the refurbished swimming pool and community rooms, and broadly opposite the Fairisle schools with good access to the Academy on Romsey Road. There is no submitted evidence that suggests that these existing services could not accommodate the additional population and no objection has been received to the development from these services themselves. Furthermore, the development would make a significant contribution towards the Community Infrastructure Levy (CIL - currently £70/sq.m of new residential floorspace), which can be put towards infrastructure improvements (including health and education) across the City.

- Loss of open space.

Response

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

- Overlooking of residents in Rockall Close is proposed.

Response

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

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

Response

The residential terrace of 2 storey houses along the site's western boundary leaves a separation distance between buildings of some 16-17 metres. This is further mitigated by existing planting and the orientation of the proposed buildings to the existing neighbours and their parking frontages. This relationship is acceptable in planning terms as care has been taken to ensure that no direct inter-looking is proposed.

- Noise and disturbance caused during the construction phase.

Response

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

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

Response

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

Consultation Responses

5.21 SCC Highways – No objection following additional information.

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

5.22 i. Layout

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

5.23 ii. Refuse collection

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

5.24 iii. Highway safety

The proposed vehicular access point for the development is similar to the previous use, from Fairisle Road. This access is just off of a large 4 armed roundabout on Lordshill Way where historically there appears to have been low levels of accidents. Most accident data for the whole area primarily involves vehicle on vehicle conflicts at approaches to the roundabouts, with no pedestrian casualties, and 7 out of 34 accidents involving cyclists or motorcyclists. The layout

of the area generally keeps pedestrians away from the main carriageways and offers numerous underpasses throughout the area, to all strategic locations. Whilst underpasses are generally considered to be outdated in their design, it is quite clear in this instance that there is good usage of these facilities, higher usage levels provide users with greater confidence.

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

5.26 **SCC Housing** – No objection

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

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

In this case provision would be sought on site.

5.27 **SCC Sustainability Team** – No objection

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

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

5.29 **SCC Ecology** – No objection

The application site comprises a central area of hardstanding with amenity grassland, broadleaved woodland and scrub. A number of buildings that were formerly present on the site have been demolished. The biodiversity interest of the site is concentrated within the woodland on a bund running around the perimeter and a small area of grassland and scrub within the centre. The ecology

surveys accompanying the planning application, which were undertaken almost two years ago, indicated that these habitats were used by breeding birds and foraging bats. Although the site has altered since the surveys were undertaken sufficient habitat remains to have retained this biodiversity interest.

- 5.30 The proposed layout retains much of the boundary habitat and avoids major physical fragmentation which is likely to help maintain its biodiversity value. There is, however, a risk that inappropriate exterior lighting could disrupt bat foraging routes. Therefore, to avoid any loss of foraging value lighting within the new development should be designed to minimise light spill and avoid direct illumination of tree and shrub canopies.
- 5.31 Some tree and scrub removal will be required however, the proposed replacement planting will provide suitable mitigation. Vegetation removal has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). Vegetation clearance should therefore be undertaken either outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance must be delayed until after the chicks have fledged. The ecology survey detailed a number of mitigation and enhancement measures which I would like to see incorporated into the proposed development.
- 5.32 The ecology surveys were undertaken almost two years ago and since then the site has changed substantially. Any subsequent detailed or reserved matters application should therefore be supported by an updated survey which details the ecological status of the site at that time.
- 5.33 **SCC Tree Team** – No objection
The scheme appears to retain the majority and the better trees on site. Further details including a tree schedule, a tree protection plan and a landscaping scheme (including street lighting) and ongoing maintenance are required and can be secured with the attached planning conditions.
- 5.34 **SCC Heritage** – No objection
The site lies within an area of archaeological potential. Excavations and observations in the vicinity have demonstrated that prehistoric archaeological deposits survive in the surrounding area. It is therefore recommended that, should planning permission be granted, a targeted programme of archaeological evaluation is commissioned, followed by further archaeological works as required, and that conditions are attached to any planning permission.
- 5.35 **SCC Contaminated Land** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Former Landfill (50m to SW).
These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination

risks and, where appropriate, remediated to ensure the long term safety of the site.

5.36 **Environment Agency** – No objection

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

5.38 **Hampshire Constabulary** – No objection

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

5.39 **Response**

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

5.40 **Natural England** – Objection removed following further detail and a signage strategy (as detailed in the Habitat Regulations Assessment) being secured through the future S.106 process. They comment as follows:

5.41 The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site¹ and also notified at a national level as Lower Test Valley Site of Special Scientific Interest (SSSI). This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Southampton City Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

5.42 The application site is also in close proximity to the New Forest SPA, SAC, Ramsar and SSSI sites. In considering the European site interest, Natural

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

- 5.43 Finally, this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

6.0 Planning Consideration Key Issues

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

1. The Principle of Development
2. The Layout & Density
3. Impact upon Residential Amenity
4. Parking, Rights of Way & Highway Safety
5. Off-site Mitigation & S.106 Legal Agreement

6.2 Principle of Development

The release of this former school site for an alternative use has been agreed with the Secretary of State. The Council intends to market the site with an outline planning permission for a residential use and use the capital receipt to retro fund the recent works to refurbish the Oaklands swimming pool. The site is identified as an appropriate housing site in the Council's Strategic Housing Land Availability Assessment (SHLAA) for some 120 dwellings, and both local and national planning policies are committed to delivering additional housing on previously developed land in sustainable locations. The Council has a recognised housing need of 16,300 homes until 2026 (LDF Policy CS4 refers). In particular, whilst the principle of development is clearly supported in these circumstances, an assessment of the scheme's impact on the character of the area, residential amenity, and its efficient use of land for housing delivery, are material to the Council's planning decision.

- 6.3 The scheme proposes a good mix of flats and houses as set out below:

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

6.4 A minimum of 35% of the homes will be secured as affordable. The application proposes that 44 of the dwellings will be genuine family homes, with at least 3 bedrooms and access to private amenity space. The proposals exceed existing development requirements for the delivery of family housing and are welcomed in principle.

6.5 The Layout and Density

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

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

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

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

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

- 6.10 The current scheme, therefore, assists the Council in meeting its housing requirements without harming the character of the area. It is considered that the application accords in broad terms with Local Plan design policies SDP1, SDP7 and H7 as supported by Core Strategy Policy CS13. The Council's City Design team have worked with the applicant at the pre-application stage to reduce the scheme's impact and are supportive of the current application layout.
- 6.11 Impact on Residential Amenity
The proposed dwellings have been designed to sit within their plot and are set away from the common boundary with immediate neighbours. Where development is closest to the neighbours there exists mature planting that will be retained to mitigate any impact. The layout is fixed at this stage and proposes a residential terrace of 2 storey houses along the site's western boundary with a separation distance between buildings of some 16-17 metres. A run of 3 storey flatted blocks is set off the northern boundary. The separation distances involved between buildings in this location are between 25 and 35 metres. As a result of these proposed spatial characteristics the existing residential amenity of the area, in terms of daylight, shadowing, privacy and outlook will not be compromised by this proposal. In amenity terms the proposed separation between dwellings, the retention of the mature landscape setting, the orientation of the buildings within their plot and the generous area of retained public open space combine to create an acceptable addition to the area. The application accords with the adopted Local Plan policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD, which seek to protect residential amenity.
- 6.12 Parking, Rights of Way and Highway Safety
Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.
- 6.13 Applying the Council's revised adopted maximum standards (of 1 spaces per 1 bed, 2 spaces per 2 and 3 beds and 3 spaces per 4+ bed unit) as set in the adopted Car Parking SPD (September 2011) the proposed development should be supported by no more than 203 parking spaces. Applying the reduction for sites within defined areas of 'high accessibility (with more than 20 buses per hour as is the case here) and the maximum standard applicable is only 130 parking spaces. A total of 177 on-site parking spaces are currently provided, including 12 visitor spaces, and an allocation of 2 spaces per house and 1 space per flat (as proposed) can be controlled with a planning condition. This level of on-site parking exceeds the standards, but is considered to be appropriate in this instance given the local circumstances involved and the concerns of existing residents of a harmful parking overspill arising. Whilst the current level is considered acceptable achieving even more parking would further exceed the standards and may result in a car dominated layout with a significant reduction in open space.
- 6.14 There is some concern locally that the existing rights of way around the site will be affected by the proposed layout. The closure and diversion of one route is proposed. The existing north-south link along the site's western boundary is to be stopped up and diverted through the scheme, thereby retaining full access. Existing access to the rear of the affected Orkney Road properties will be retained. A planning condition is recommended to secure the exact details and

the applicant will need to formally apply for the stopping up of the right of way in the event that planning permission is granted.

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

6.16 Off-site Mitigation & S.106 Legal Agreement

The Council (as landowner and applicant) cannot enter into a S.106 with the Council (as Local Planning Authority). As such, in the event that this planning application is deemed by the Panel to be acceptable a conditional outline planning permission will be issued to enable the site to be marketed. A condition requiring the S.106 agreement to be completed ahead of the commencement of works is recommended. Furthermore, the Council will include a clause to bind any future developer to enter into the S.106 legal agreement at the land transfer stage. So whilst the process is slightly different the result will be the same and a package of off-site mitigation measures and affordable housing can be secured.

6.17 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites:

6.18 i) Solent & Southampton Water SPA

The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 (per unit) has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity.

6.19 i) New Forest SPA

The New Forest is designated as a SPA and Natural England have raised concerns that new residents will put pressure on the Forest for recreational activity. To mitigate this the application promotes improved signage of local open space thereby offering residents a wider choice and understanding of their local offer.

6.20 Members' attention is drawn to **Appendices 1-4** 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). Natural England agree with this conclusion and have removed their holding objection.

7.0 Summary

7.1 The Council has the approval of the Secretary of State to release this redundant school site for an alternative use. Pupils from the former school now have the option of attending the Lordshill Academy on Romsey Road, and the site buildings have largely been demolished with the exception of the retained pool and community centre. The provision of 103 dwellings at a density of 33 dwellings per hectare makes an appropriate use of this previously developed land whilst respecting the specific constraints to redevelopment, including the significant tree cover. Particular account has also been taken of the third party response to the scheme, including the existing parking problems experienced around the neighbouring Fairisle schools at the start and end of the school day, the quality of the proposed redevelopment proposals, the associated regeneration benefits and improvements to local housing (including a high percentage of affordable and family housing), current market conditions and the overall viability of the scheme. An acceptable residential layout is proposed.

8.0 Conclusion

8.1 This outline planning application is recommended for conditional approval with the S.106 legal agreement to be resolved at the land transfer stage, and ahead of the commencement of development, for the reasons given above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

SH2 for 27.10.2015 PROW Panel

PLANNING CONDITIONS to include:

1.APPROVAL CONDITION - Outline Permission Timing Condition

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

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

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

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

- i. Either works agreed under S.278 or financial contributions towards site specific transport contributions for highway improvements and external lighting (if needed) in the vicinity of the site, including any associated Traffic Regulation Orders, in line with Policy SDP4 of the City of Southampton Local Plan Review (amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) or details of an independently assessed viability of the project with appropriate triggers for reappraisal;
- iii. The provision and ongoing management/maintenance of on-site playspace in accordance with the approved drawings, as required by policies CLT5 and CLT6 of the City of Southampton Local Plan Review (amended 2015), and the provision for ongoing management of external amenity spaces and landscaped buffers forming the site.
- iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives during the construction phase, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (amended 2015);
- vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
- vii. 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; and,
- viii. Financial contributions towards an on and off-site open space signage strategy for encouraging residents of the development to visit local areas of open space for dog walking and recreation – Habitats Regulations mitigation.

Reason:

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

3.APPROVAL CONDITION - Approved Plans

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

Reason:

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

4. APPROVAL CONDITION - Details of External Materials - Samples

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

Reason:

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

5. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan

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

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

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

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

Reason:

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

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

6.APPROVAL CONDITION - Arboricultural Method Statement

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

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

Reason:

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

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

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

Reason:

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

8.APPROVAL CONDITION - Tree Retention and Safeguarding

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position

of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

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

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

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

Reason:

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

10. APPROVAL CONDITION – Construction Method Statement (CMS)

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

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

The approved CMS shall also include proposals to monitor these measures (as set out above) at the site boundary to ensure that a statutory nuisance does not arise beyond the

site boundary, and shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

11. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

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

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

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

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

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

Reason:

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

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

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

Reason:

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

13. APPROVAL CONDITION - Ecological Mitigation Statement

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

To reduce flood risk and manage surface water runoff in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

16.APPROVAL CONDITION – Drainage & Sewerage Infrastructure

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

Reason:

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

17.APPROVAL CONDITION - Sewers

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

Reason:

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

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

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study

by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

21.APPROVAL CONDITION - Archaeological evaluation

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

Reason:

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

22.APPROVAL CONDITION - Archaeological evaluation work programme

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

Reason:

To ensure that the archaeological investigation is completed.

23.APPROVAL CONDITION - Archaeological investigation (further works)

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

Reason:

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

24.APPROVAL CONDITION - Archaeological work programme (further works)

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

Reason:

To ensure that the archaeological investigation is completed.

25.APPROVAL CONDITION - Archaeological damage-assessment

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

Reason:

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

26.APPROVAL CONDITION - Land Contamination investigation and remediation

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.

27.APPROVAL CONDITION - Use of uncontaminated soils and fill

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

Reason:

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

28.APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

Reason:

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

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

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

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

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

The development shall be completed as agreed.

Reason:

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

30. APPROVAL CONDITION – Residential Parking

All parking spaces shall be provided with a minimum 5m x 2.4m dimension, and with a minimum 6m isle width to allow adequate space to turn into and out of the spaces if positioned at 90 degrees to the highway. Parking spaces parallel with the kerb shall be a minimum 6m long and 2m wide, with a paved refuge to stand out onto beside the vehicle. The residential parking shall be provided prior to the first occupation of each dwelling at a ratio of 1 parking space per flat and 2 parking spaces per house. No more than 2 parking spaces shall be allocated to each dwelling unless otherwise agreed in writing with the Local Planning Authority. Any garaged spaces shall be retained for parking and not converted for habitable residential accommodation. A minimum of 12 visitor parking spaces shall be marked out in accordance with details to have been agreed in writing by the Local Planning Authority prior to their first use and shall thereafter be retained for public/general use.

Reason:

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

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

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

Reason:

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

Informative:

All refuse stores identified on the approved plans listed should be constructed of brick under a suitable weatherproof roof with adequate ventilation. The doors should be hinged to open outwards with a minimum opening of 1.4m wide, and any lock system should comply with the Council's standard lock requirements operated by a fob system. Six spare fobs should be supplied to the Council prior to the first use of the relevant store. Each store should be fitted and retained with internal lighting that shall operate when doors are open and a tap and wash down gully should also be provided. The access path to the bin store should be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable unless they comply with SCC standard fob lock details. The gradient of the access path to the bin store should not exceed 1:12 unless suitable anti-slip surfacing is used, and still should not exceed 1:10 and a single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the

Euro bins. Refuse containers should be purchased by the applicant from the Council ahead of occupation.

32.APPROVAL CONDITION - Cycle Storage

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

Reason:

To encourage cycling as an alternative form of transport

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

Details of how the existing right of way linking Cromatory Road to Fairisle Road (along the site's western boundary) can be retained/diverted both during and after the demolition and construction phase shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development, including any site clearance and demolition works taking place in association with this permission. These details shall include plans of how the land is to be allocated to gardens, any means of enclosure and details of the retained access requirements for the affected residents living in Orkney Close as annotated on plan ref: CS/067837-02. The right of way shall be made available/diverted, with safe footpaths for pedestrians, prior to the first occupation of the development or in accordance with another timescale and phasing strategy that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development.

Reason:

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

34.APPROVAL CONDITION - Residential - Permitted Development Restriction

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

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class F (hard surface area)

Reason:

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

35.APPROVAL CONDITION – Site Levels

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

shall be shown in relation to off-site AOD. The development shall be completed in accordance with 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.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water - Informative

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

Draft Habitats Regulations Assessment (HRA)

Application reference:	15/00340/OUT
Application address:	Former Oaklands School (Oasis Academy Lordshill) Fairisle Road Southampton SO16 8BY
Application description:	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)
HRA completion date:	15 th September, 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 construction of 103 dwellings with associated access, parking and landscaping within 2km of the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC and 8km of the New Forest SAC, SPA and Ramsar site.</p> <p>The application site is a former school within the centre of Lordshill. The distance between the designated sites and the application site mean that temporary construction phase impacts will not occur. There is a risk however, that during the operational phase, recreation activity, in-combination with recreational activity arising from other residential developments in south Hampshire could adversely affected the designated birds and habitats.</p> <p>The findings of the initial assessment concluded that a significant effect was likely through one impact pathway. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

Section 1 - details of the plan or project	
<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</p>	<ul style="list-style-type: none"> ▪ New Forest Special Protection Area ▪ New Forest Ramsar site ▪ Solent Maritime Special Area of Conservation

<p>Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<p>(SAC)</p> <ul style="list-style-type: none"> ▪ Solent and Southampton Water Special Protection Area (SPA) ▪ Solent and Southampton Water Ramsar Site ▪ The New Forest Special Area of Conservation (SAC)
<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 an increase in residential dwellings which are 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"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m² of office development and 550,000m² of manufacturing or distribution floor space 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 housing is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population.</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 1950m to the north east of a unit of the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC. It is also approximately 7.3km from The New Forest SAC, SPA and Ramsar site.

A full list of the qualifying features for each site is provided in appendix 1 at the end of this report. The development could have implications for these sites which could be permanent arising from the on-going impact of the development when built.

The development is located a significant distance from all of the listed European sites. As a consequence, there is a negligible risk of adverse impacts from the construction phase.

During the operational phase there is a risk that, in-combination with other residential developments, recreational disturbance could occur.

A number of avoidance and mitigation measures are set out in the planning application and the Former Oaklands School Fairisle Road - Planning Application, Statement to Inform (Amenity & Recreation), Updated 18 August 2015, and are as follows:

- The creation of 0.75ha of private amenity space and 0.19 of public open space.
- Contribution of £17,716 (£172 x 103) to the Solent Recreation Mitigation Project;
- Improved signage directing new residents to a range of different areas of public open space within 20 minutes walk of the development.
- Production of an online map showing the location of local parks and open spaces
- Provision of a welcome pack to new residents illustrating local walking and cycling routes.

Conclusions regarding the likelihood of a significant effect

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

The project being assessed would lead to up to 103 additional dwellings within a short travel distance of the Solent and Southampton SPA/Ramsar site and the New Forest SAC/SPA/Ramsar site.

The site is currently vacant and the buildings have been demolished. The previous use as a school would have generated significant levels of noise, traffic and water demand but very little recreational activity beyond the immediate vicinity. The proposed development is likely to lead to new permanent impacts as a result of an increase in recreational pressure and as such the precautionary principle applies.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential presence of 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

TEMPORARY, CONSTRUCTION BASED EFFECTS

There will be no construction phase impacts due to the distance between the application site and the European sites.

PERMANENT, OPERATIONAL PHASE IMPACTS

Recreational disturbance

Solent and Southampton Water SPA/Ramsar site

Research undertaken through the Solent Disturbance and Mitigation Project (SDMP) indicated that increases in recreational activity at SPA locations have the potential to result in mortality in the SPA bird populations due to increased disturbance. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project:

(http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). A key outcome of the research was that residential development occurring within 5.6km of the Solent and Southampton Water SPA/Ramsar site (the distance within which 75% of visits originate) could lead to a likely significant effect as a consequence of disturbance from recreation.

At 1.95km the development site is clearly within the 5.6km buffer zone. It can therefore be concluded that the population increase which will occur as a consequence of the proposed development is likely to lead to an increase in recreational activity at SPA locations.

The development includes the creation of an area of public open space however, it is not designed to avoid a recreational impact on the SPAs. There remains therefore, an effect when considered in combination with other development in the area.

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £172 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicant intends to make a payment of £17,716 (172 x 103) to the Solent Recreation Mitigation Partnership (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

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

Solent Maritime SAC

There are no anticipated adverse impacts on this site arising as a consequence of the proposed development.

New Forest SAC/SPA/Ramsar site

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

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

The application site is located 7.3km from the nearest part of the New Forest SAC, SPA and Ramsar site in terms of linear distance and, as such, residents of the proposed development are likely to be local day visitors. The Footprint Ecology research indicates that visitors within this group make an average of 45 visits per year to the New Forest. Recreational pressure arising from the development on its own therefore is unlikely to be significant. However, bearing in mind the high level of new housing planned across South Hampshire there is potential for it to be significant in-combination with other residential developments.

Provision of alternative green space.

Recreational pressure such as that arising from the urban areas of south Hampshire is not unique. The Thames Basin Heaths (TBH) SPA is an extensive network of heathlands, straddling Hampshire, Surrey and Berkshire, which is surrounded by existing urban development with a growing population.

Concerns were raised by English Nature, now Natural England, that recreational activity on the TBH heathlands could lead to a decline in population levels of the breeding bird species for which the SPA was designated. This led to the development of a series of mitigation measures which were brought together into a delivery framework. This framework was endorsed by the Thames Basin Heaths Joint Strategic Partnership Board, which includes Natural England, and adopted by the affected Local Authorities.

A key measure within this framework is the provision of Suitable Alternative Natural Green Space (SANGS) which provides new residents with recreation space of similar type, i.e. countryside, but lower ecological sensitivity than the designated sites. The framework indicated that SANGS could be new or existing open space and that there should be a minimum of 2ha within 2km of the new development.

The Thames Basin Heaths support similar habitats and breeding bird species to those found in the New Forest SPA/Ramsar site. It would therefore be reasonable to conclude that the provision of SANGS would provide appropriate mitigation for recreational impacts arising from the proposed development at the former Oaklands School site.

SANGS within Lordshill

The proposed development includes 0.19ha of public open space however, this is only expected to provide opportunities for children to play close to their homes. Further measures to meet more general recreation demand will therefore be required.

The Lordshill area of Southampton, in which the development site is located, is fortunate in possessing a range of existing open space with features typical of SANGS, namely woodland,

meadows, ponds, streams and non-tarmac footpaths. There is scope therefore to encourage new residents to make use of these existing public open spaces to meet much of their recreation needs.

A postal survey conducted as part of an Open Space Study (unpublished) in support of the current review of the Southampton Local Plan indicated that 88% of visits made by Southampton residents to the New Forest were made by car with only 6% by bicycle and 1% by bus. This suggests that if the new residents at the development site were to make visits to the countryside by foot or bicycle the New Forest is unlikely to be the destination.

The opportunity to persuade new residents to walk or cycle to SANGS is high with the development site lying within 20 minutes walking distance of five areas of public open space. These open spaces offer a variety of recreation opportunities ranging from organised sports to 'countryside' visits. Details of each site are contained within the following table:

Site	Type of Open Space	Area	Distance
Bakers Drove	Natural green space	5.8ha	140m
Bakers Drove comprises an open meadow with a small area of woodland and a pond. It has a relatively a rural feel and is located just four minutes walk from the development site.			
Lordshill Recreation Ground	Sports pitches and informal recreation	17.5ha	250m
Lordshill Recreation Ground is a sports ground catering for a mix of different sports located within a 6 minute walk from the development site. Whilst the majority of the recreation ground is laid to formal pitches, informal recreation such as dog walking and walking generally are also possible.			
Lordswood Greenway	Natural green space	30.8ha	615m
The Lordswood Greenway contains a range of different habitats including woodland, meadows, streams and ponds. There is an existing a network of paths which includes a public bridleway. This open space, which is a 10 walk minute from the development site, provides a genuine countryside experience. The northern section of the greenway lies within an area of woodland that has been included in a proposed Forest Park. Although there is currently no defined timeframe, once fully implemented the Forest Park will provide residents with access to an extensive area of woodland for informal recreation.			
Nursling Plantation	Natural green space and formal recreation ground	4ha	750m
Nursling Plantation provides formal play opportunities for children together with picnic and general recreational areas. In addition, there is an area of woodland suitable for informal recreation such as walking. The site is a 13 minute walk away from the Former Oaklands site or a 7 minute cycle journey. The route is along formal cycle paths making access easy and safe.			
Lordsdale Greenway	Natural green space	22.5ha	1400m
The Lordsdale Greenway provides a mix of woodland with meadow, stream and wetland areas. More enclosed than the Lordswood Greenway, it nevertheless provides a similar countryside type experience. The greenway is within a 20 minute walk of the development site.			

A map showing the locations of these five open spaces, which are all within the ownership of

Southampton City Council, is contained in Appendix 2. Public ownership will guarantee access and enable enhancements to be delivered without delay.

Access from the development site.

Unsurprisingly, as a former school, the development site is already well connected to cycling and walking routes, see map 2 in appendix 3. Journey times, which are detailed in the earlier table, are no more than 20 minutes for the most distance site. In addition, map 3, in appendix 4, shows that the routes to the open spaces are predominately along landscaped and/or quiet paths making them more attractive for walkers and cyclists.

Raising awareness of local recreation opportunities

The locations of the open spaces are not immediately obvious from the development site. It is therefore proposed to install signage within the development indicating the direction and distance of each open space. Similarly, at each open space there will be further signs indicating the location of specific features and the direction back to the development.

To raise awareness of the open spaces and the facilities they have available a leaflet will be produced. This leaflet will include a map showing locations and safe routes to each open space and will include information about the wildlife, landscape and heritage features of the sites. It will also highlight opportunities for dog walking, play and formal sports. The leaflet will be provided to new residents as part of a welcome pack and will also be made available to existing residents via the City Council's website.

Cost of the signage

The cost of the signage is follows:

Development site: 1 large sign:	£3000
Each open space: 2 per site, (10 in total)	£2000
Leaflet: design and small print run	£1000
Total costs of signage - £24,000 + VAT.	

Financial contributions necessary to fund the cost of signage will be secured through an appropriate legal agreement,

With the new signage in position the recreational opportunities available at the Lordshill open spaces will be clearly evident to new and existing residents thus helping to divert recreational activity away from the New Forest. This will ensure that potential adverse impacts on the designated sites, arising from increased recreational demand as a consequence of the development, can be avoided.

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

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, **the significant effects which are likely in association with the proposed development can be overcome**. The proposed mitigation measures, which are summarised below, should be secured through a legal agreement or planning conditions:

- A financial contribution to the SRMP
- Provision of signage within the development and at 5 local open spaces

- Development of a leaflet providing information on local open spaces and routes to them.

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

Appendix 1

European Site Qualifying Features

Solent and Southampton Water SPA

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

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

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

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

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

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

- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

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

Solent Maritime SAC

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

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* (“white dunes”)

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

- Desmoulin's whorl snail *Vertigo moulinsiana*

The New Forest SAC

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

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)
- Depressions on peat substrates of the *Rhynchosporion* (primary reason for selection)
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrublayer

- (Quercion robori-petraeae or Ilici-Fagenion) (primary reason for selection)
- Asperulo-Fagetum beech forests (primary reason for selection)
- Old acidophilous oak woods with Quercus robur on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

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

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

The New Forest SPA

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

- Dartford Warbler Sylvia undata
- Honey Buzzard Pernis apivorus
- Nightjar Caprimulgus europaeus
- Woodlark Lullula arborea

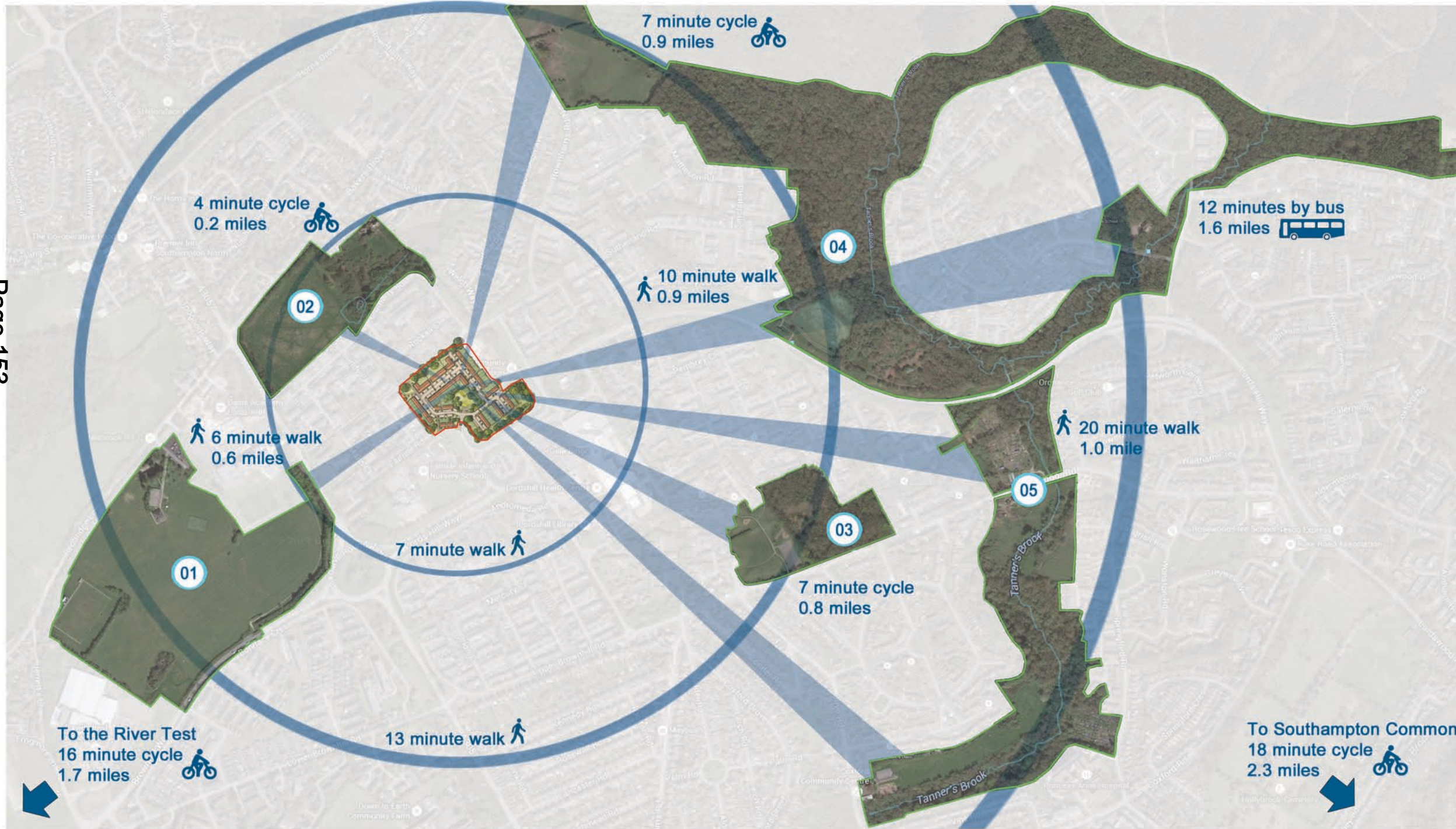
The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Hen Harrier Circus cyaneus

New Forest Ramsar Site

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.



- 01 AMENITIES SITE 01**
 - playing fields
 - meadow / tall grasses
 - picnic areas
 - venue hire
 - picnic areas
 - dog walking
 - car park
- 02 AMENITIES SITE 02**
 - meadow / tall grasses
 - woodland
 - dog walking
 - pond
 - horse fields
- 03 AMENITIES SITE 03**
 - Nursling plantation
 - play area / equipment
 - grassy picnic areas
 - woodland
 - made pathways
 - unmade pathways
- 04 AMENITIES SITE 04**
 - grassy picnic areas
 - woodland
 - unmade pathways
 - riverbanks
 - community centre
 - car park
- 05 AMENITIES SITE 05**
 - allotments
 - play area / equipment
 - grassy picnic areas
 - wooded areas
 - made pathways
 - unmade pathways
 - pond and river banks

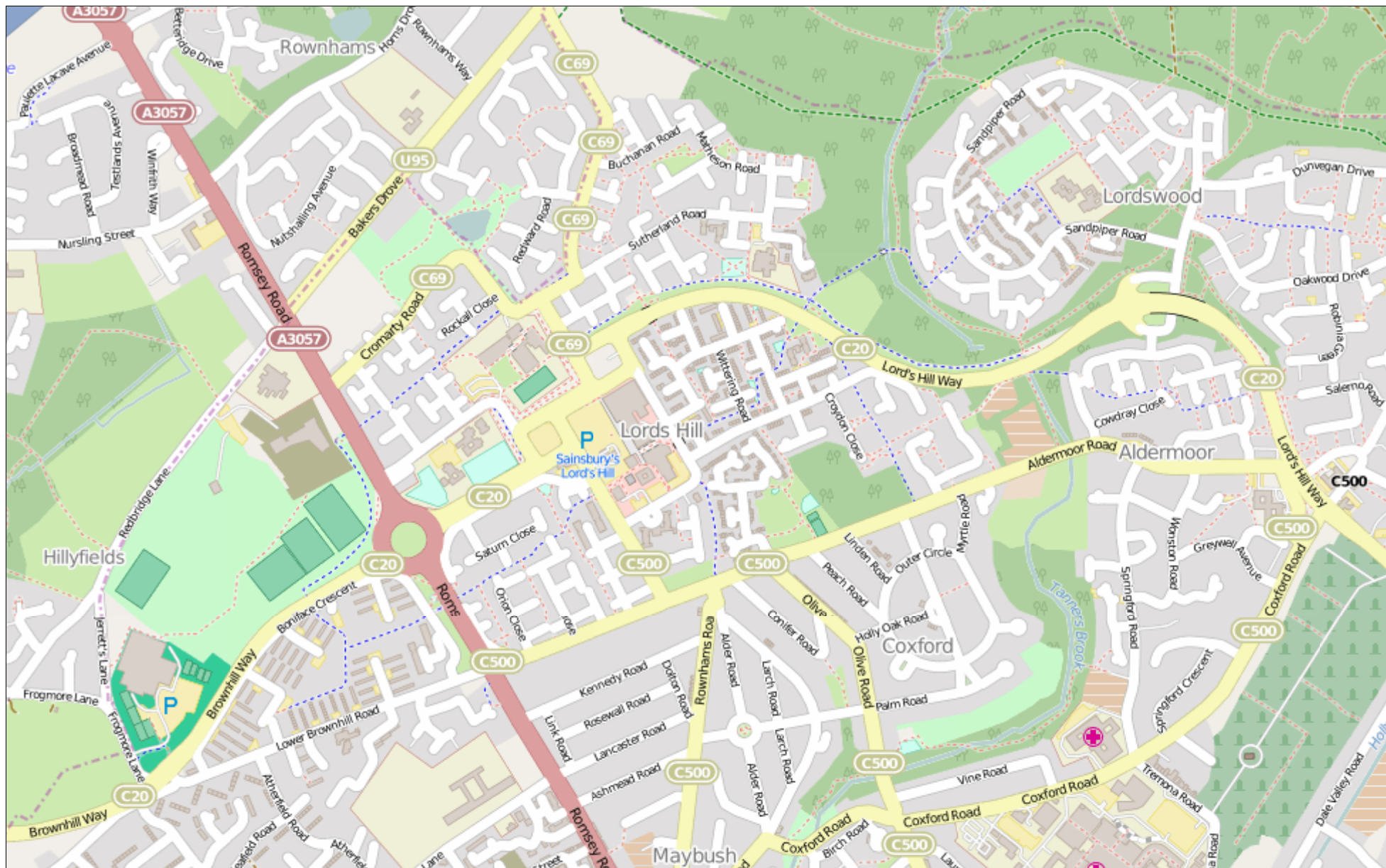
LEGEND

- Oaklands housing development
- nearby outdoor amenities
- all outdoor amenity spaces lie within a radius of a 30 min walk from the proposed Oaklands housing development.



WHAT IT MIGHT LOOK LIKE - nature trails, eye-catching signage, boardwalks, play trails, paths etc.
Moors Valley Country Park, Ringwood, Dorset

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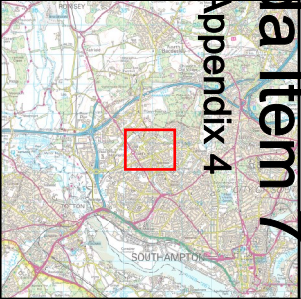


Routes to Nearby Open Space 2

Aerial photo 2013



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Appendix 4

Agenda Item 7

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Application 15/00340/OUT

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

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

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

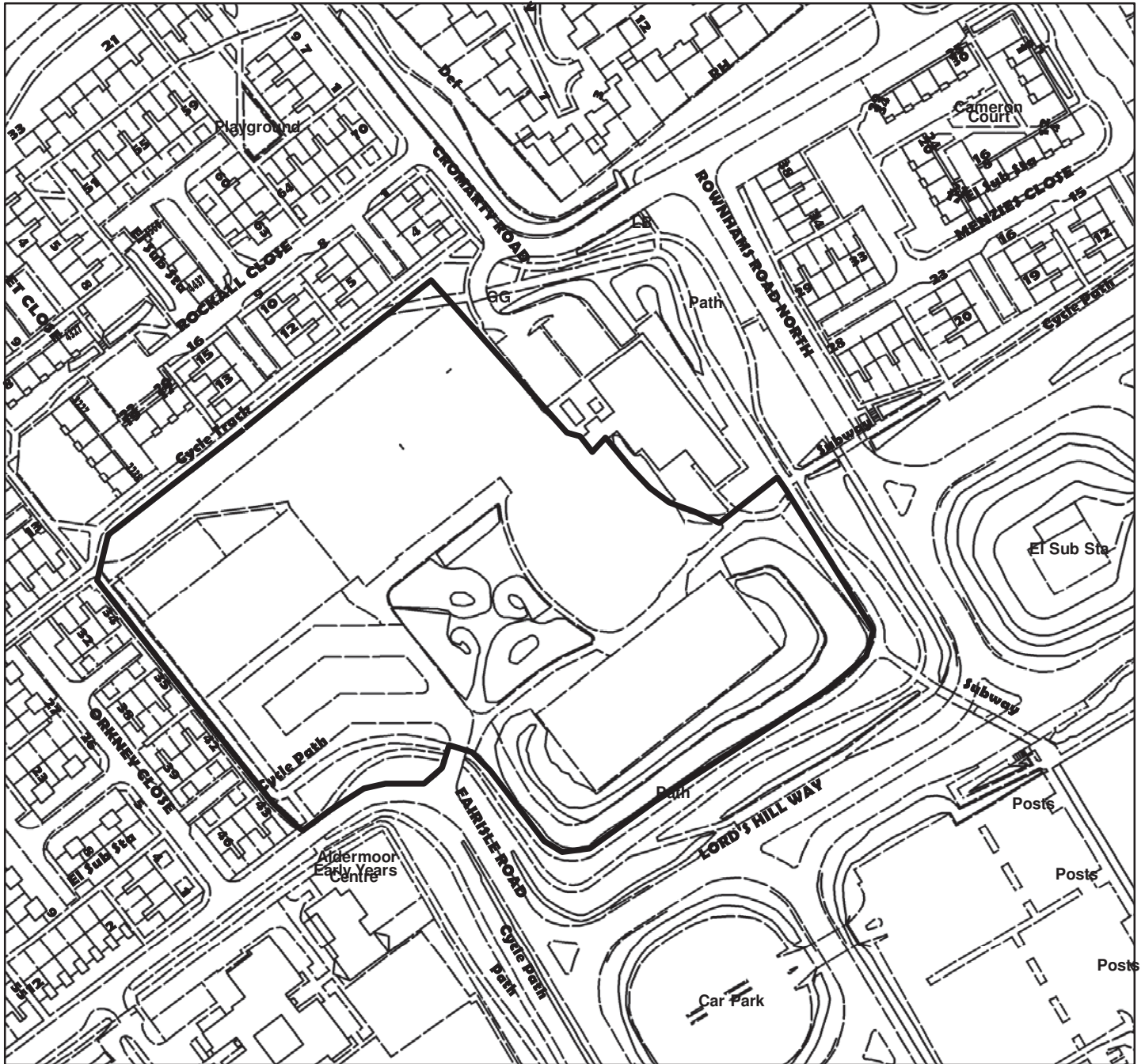
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 27 October 2015
Planning Application Report of the Planning and Development Manager**

Application address: 18A Upper Banister Street, Southampton, SO15 2EF.			
Proposed development: Change Of Use From Restaurant (Class A3) To Bar (Class A4).			
Application number	15/01624/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	30/10/2015 (Extended)	Ward	Bevois
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes

Applicant: Brewdog Bars	Agent: Firstplan
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations as set out at planning panel on the 27th October 2015 have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with 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, SDP9, SDP15 and RE17 of the City of Southampton Local Plan Review (as amended 2015); CS1 and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015); AP5 and AP8 of the City Centre Action Plan (March 2015).

Appendix attached			
1	Development Plan Policies	2	Recent approvals for residential development.
3	Premises Management Plan	4	Site Plan

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey property located on the eastern side of Upper Banister Street and within the Carlton Crescent Conservation Area. This property is currently used as an A3 restaurant with seating at both ground and first floor level.
- 1.2 The application site is located within a designated late night zone. The surrounding area has a diverse character with offices in the immediate vicinity and other restaurant and bar uses further down Upper Banister Street and also along Carlton Place and Bedford Place.

2.0 Proposal

- 2.1 Permission is sought for a change of use from a restaurant (Class A3) to a bar (Class A4). BrewDog, the intended occupiers, is a specialist brewer of premium craft beers which has 20 specialist bars in the UK and 30 bars worldwide.
- 2.2 As a result of this proposal, a new bar would be established at ground floor level with associated seating at ground and first floor level. A kitchen would be retained at ground level providing food at all times.

3.0 Relevant Planning Policy

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

4.0 Relevant Planning History

- 4.1 In 2005, conditional approval (ref.05/01599/FUL) was granted for the change of use of the property from A1 (retail) to A3 (restaurant). This permission restricted the use to 10:30 pm with closing required by 11:30 pm on Friday and Saturday.
- 4.2 In 2003, conditional approval (ref.03/00418/FUL) was granted for a part change of use from a workshop (class B1) to retail (class A1).

5.0 Consultation Responses and Notification Representations

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

nearby landowners, placing a press advertisement 21/08/2015 and erecting a site notice 21/08/2015. At the time of writing the report **48** representations (**40 in support and 8 objecting**) have been received from surrounding residents. The following is a summary of the points raised:

5.2 Support Comments:

- 5.2.1 BrewDog is a responsible company who caters for a more mature client base and encourages sensible and responsible drinking.
- 5.2.2 The layout of the existing building is well suited for conversion to a bar.
- 5.2.3 The proposed use would encourage patrons to eat as well as drink by the provision of food throughout the day and into the evening.
- 5.2.4 The site is no longer viable for use as a restaurant and this would establish an appropriate alternative use.
- 5.2.5 The impact of the scheme on the local areas has been exaggerated and local residents do not suffer as much as is claimed by objectors.
- 5.2.6 The nature of the proposed use doesn't differ greatly from that of the existing. Both uses provide food and alcohol.

5.3 Objection Comments

- 5.3.1 Residents and commercial uses in the area already suffer from noise, disturbance and antisocial behaviour from nearby bars.

Response: The application site is located within a designated late night zone according to policy AP8 of the City Centre Action Plan. The proposed A4 (bar) use is therefore, considered to be acceptable in this location. The existing A3 (restaurant) use is a late night use and this scheme would not subsequently introduce a new late night use in this location. The applicant has submitted a 'Premises Management Plan' which outlines a series of measures to address noise, disturbance and anti-social behaviour and these measures are considered to be acceptable. A copy of this is provided at Appendix 3.

- 5.3.2 The proposed use will be detrimental to the residential amenities of nearby residents.

Response: The application site is located within the City Centre which is characterised by a diverse mix of uses. Residents who choose to live in this city centre location are aware of the environment that they are moving into given the mixed use nature of the area. The City Council's Environmental Health team have raised no objection to the proposed use. A number of conditions have been recommended to minimise the impact of the proposed use on the residential amenities of any nearby residents. These are considered to be sufficient.

- 5.3.3 There is no outdoor smoking area and as a result, there will be an increase in the number of people smoking outside the front of the property.

Response: The arrangement for smoking will remain unchanged from the current

arrangement. Measures outlined in the submitted 'Premises Management Plan' will be used to mitigate the impact of this and this will be reinforced by way of planning condition.

5.3.4 There is already an overconcentration of A4 uses in the surrounding area.

Response: The application site is located within a designated late night zone according to policy AP8 of the City Centre Action Plan. A4 (bar) uses are deemed to be acceptable in this location. The site itself is separated from the main Bedford Place area and there isn't considered to be an overconcentration in this location. There is no policy restriction or limit to new A4 uses.

5.3.5 Policy AP8 of the City Centre Action Plan identifies this location as a 'stress area' with regards to the impact of late night uses.

Response: It is acknowledged that uses of this type can give rise to noise, disturbance and anti-social behaviour. In this case however, acceptable measures have been proposed to minimise any of these impacts arising from the proposed use. These will be secured by planning condition to ensure the use is satisfactory for the duration of its operation. Furthermore, there are other means by which these issues can be addressed outside of the planning system.

5.4 Consultation Responses

5.4.1 Hampshire Constabulary – Objection.

The Police object to this application as there is concern about any increase in A4 use within a 'Night Time Economy' area which might result in a saturation of A4 and nightclub premises and thereby increase the negative cumulative effect on local businesses and residents.

NPPF Para 58 includes the following statement; Planning policies and decisions should aim to ensure that developments: **"create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"**

Consideration should be given to limiting the number or percentage of premises in A4 use, particularly where they would be replacing other uses which would otherwise add to the diversity of the area and thus encourage a greater mix of visitors.

A successful, vibrant and sustainable night time economy should be based on a diversity of attractions which encourages a greater mix of visitors. Simply having a large concentration of bars and nightclubs is not the answer and could potentially result in creating a violent drinking culture and unsafe area where many people feel reluctant to go. It cannot be left solely to the Local Authority and Police licensing teams to manage these issues via the licensing process.

This is no criticism of this particular applicant, their management processes or their brand, it is simply because once A4 use has been established it would be difficult to refuse future applicants who may not have a similar brand or ethos.

Response: It is considered that the applicant has proposed adequate measures

to successfully mitigate the issues outlined by the Crime Prevention Design Advisor. These measures will be secured by way of planning condition and will be retained throughout the lifetime of the development. Whilst the comments form a significant material consideration in this case it should be balanced against the requirements of the development plan taking into account the existing uses on site.

- 5.4.2 **SCC Heritage** - No objection. The applicant should note that, due to the location of the building within the Carlton Crescent Conservation Area, any signage (which will be subject to a further application) should be externally illuminated, and internally illuminated signage will not be considered appropriate.

Response: A note to applicant will be attached to the decision notice to advise the applicant of this.

- 5.4.3 **SCC Environmental Health (Pollution & Safety)** - EH have no objection in principle, but recommend S025 and S030 if alterations to be undertaken.

Response: No external works are proposed and these conditions are not therefore, considered to be appropriate.

6.0 Planning Consideration Key Issues

- 6.1 The determining issues for this scheme relate to:

- The acceptability of the principle of development;
- Residential amenity and police objection.

6.2 Principle of Development

- 6.2.1 The application site is located within a designated late night zone according to policy AP8 of the City Centre Action Plan. This policy states that: 'The Council will use its planning and licensing functions to promote a night time economy with a range of activities that contribute to a vibrant city centre whilst minimising potential disturbance to nearby residential areas. New uses with extended opening hours (beyond 23:00 hours) will therefore be directed to designated evening zones and late night hubs as shown on the Policies Map'.
- 6.2.2 Paragraph 4.69 of the City Centre Action Plan states that: 'Southampton's night time economy is a key part of a successful regional city and it is important to manage its operation and expansion. There is a range of restaurants, pubs and bars throughout the centre from Bedford Place to Holyrood Place, Oxford Street and Ocean Village'.
- 6.2.3 Paragraph 4.71 of the City Centre Action Plan states that: 'The approach in this plan is to direct uses with extended opening hours to designated late night hubs and evening zones'. Paragraph 4.73 continues to state that: 'The Plan also identifies evening zones which generally contain a concentration of existing pubs, bars and nightclubs but are generally either within or close to residential areas. Proposals for new uses which require planning permission and are otherwise acceptable will be subject to restricted opening times of midnight or 1am in accordance with table 5'.

- 6.2.4 In light of these policies, the proposed A4 (bar) use is considered to be acceptable in principle in a late night zone. It would diversify the late night offer in this location subsequently enhancing the vitality and viability of the city centre. It would establish a use which would directly serve visiting members of the public and would subsequently retain an active frontage in this location.
- 6.2.5 Table 5 on page 40 of the City Centre Action plan outlines a terminal hour of midnight for new late night uses in this location. The applicant has specified that the proposed use would open until midnight seven days a week. This is considered to be in line with the City Centre Action Plan and would therefore, be acceptable in this location. A suitably worded planning condition will however, be imposed to control the hours of operation.

7.0 Residential Amenity and Police Objection

- 7.1 Paragraph 4.70 of the City Centre Action Plan states that: 'There are challenges in managing people using night clubs, bars and pubs at night in order to reduce the noise and disruption to people living in and close to the city centre... The planning system has an important role in directing such uses to areas of the city centre which are easily accessible, attractive to the entertainment industry and which create minimum noise and nuisance to residents'.
- 7.2 Given the nature of this city centre location, residential uses are present in the area surrounding the application site with further residential development approved at neighbouring properties (both through permitted development for office to residential conversions and through full planning applications). A summary of previously approved applications in the surrounding area is provided in Appendix 2. The designation of this area as a late night zone is intended to encourage a mix of uses in the city centre. Residential uses have been introduced in this area, partly through the new prior approval route which means planning permission is not required, however residents who choose to live in this city centre location are aware of the environment that they are moving into. Notwithstanding this, it is important to assess the impact of the proposed use in terms of residential amenity, specifically with regards to noise, disturbance, crime and anti-social behaviour.
- 7.3 BrewDog was established in 2007 and has a number of existing premises throughout the UK and worldwide. As a result, there are established procedures in place for dealing with issues relating to noise and anti-social behaviour. This application is supported by a 'Premises Management Plan' which can be seen in full in Appendix 3. This document outlines measures to counter noise, disturbance and anti-social behaviour and includes the following:
- Staff training in accordance with the Licensing Act 2003 every 6 months to ensure responsible trading and to prevent under age sales. A 'Challenge 21' policy adopted and implemented at all times.
 - SIA registered door staff employed if required following a risk assessment. This includes keeping a refusals book and signing up to a local pubwatch scheme or other similar scheme in accordance with Local Authority Procedures.
 - Outdoor smoking areas to be covered by CCTV, regularly monitored by door staff.
 - The adoption of a zero tolerance approach to the consumption of drugs on

the premises.

- Serving all drinks in appropriate measures.
- Operation of a full CCTV system on the premises.
- First Aid box stored on the premises and incident log maintained.
- Restriction on the consumption of drinks in open containers off the premises.
- Emptying of bins and refuse collection not to take place between 10pm and 8am.
- Dispersal policy in place to ensure that minimum noise and disturbance is caused to neighbours and enforced by management and staff. Last orders called 15 minutes before closing and staff responsible for ensuring that customers are not buying an excessive amount of drinks. Door staff responsible for ensuring patrons leave quietly.
- No loud music played on the premises.

It is considered that these measures are sufficient to minimise noise, disturbance and anti-social behaviour in this location. This will subsequently restrict the impact of the proposed use on the residential amenities of any neighbouring occupiers. To ensure the premises continues to be operated in a responsible manner at all times, whether by BrewDog or any other future operators, a suitably worded planning condition will be imposed to ensure that a management plan is adhered to at all times whilst an A4 (bar) use is in operation. Additional conditions will be imposed to ensure that an element of food is always provided and to ensure that the hours of operation remain in line with the terminal midnight hour outlined in the City Centre Action Plan. This is considered to be sufficient to address the issues raised by the Crime Prevention Design Advisor. It is also acknowledged that there are other means outside the planning system to manage issues relating to noise, disturbance and anti-social behaviour.

8.0 Summary

- 8.1 Both restaurant and bar uses can be classed as late night uses and this proposal would not subsequently introduce a new late night use in this location. The proposed use would be of a different nature and it is considered that the impact of this new use could successfully be mitigated through a series of planning conditions. It is acknowledged that an objection has been lodged by the Crime Prevention Design Advisor from Hampshire Constabulary, however it is considered that the measures put forward by the applicant in the submitted 'Premises Management Plan' are sufficient to mitigate issues relating to noise, disturbance, crime and anti-social behaviour. The proposed use is compliant with the recently adopted City Centre Action Plan (March 2015) which states that bar uses are acceptable in late night zones. In light of these issues it is considered that on balance, the proposed use would be acceptable in this location.

9.0 Conclusion

- 9.1 The application is recommended for conditional approval.

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(e), 6(a), 6(b).

LAUGRI for 27/10/15 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

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

Reason:

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

2. APPROVAL CONDITION - Approved Plans

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

Reason:

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

3. APPROVAL CONDITION:

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall be used only for A4 purposes with ancillary restaurant and not for any other purpose without first obtaining planning permission.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

4. APPROVAL CONDITION: Hours of operation

Unless otherwise agreed in writing by the Local Planning Authority, the A4 use hereby permitted shall not operate outside the following hours:

Monday to Sunday: 11:00 to 00:00.

Reason:

In the interests of residential amenity and to comply with the adopted City Centre Action Plan (March 2015).

5. APPROVAL CONDITION: Premises management plan

The A4 use hereby permitted shall be operated in accordance with the approved 'BrewDog Premises Management Plan' at all times. In the event of any new operator taking over the business, a new premises management plan shall be submitted to and approved by the Local Planning Authority in writing prior to occupation and implemented thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity and to reduce the potential for noise, disturbance and anti-social behaviour.

6. APPROVAL CONDITION: Retention of kitchen

The ancillary ground floor kitchen indicated on approved plan 2448/L 01 Rev A (dated 01/07/2015) shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To diversify the offer at the premises in the interests of amenity.

7. APPROVAL CONDITION - Refuse and Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

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.

Note to applicant: Signage

Advertisement consent would be required for any external signs associated with the change of use hereby permitted. Given the location of the site in the Carlton Crescent Conservation Area, any signage should be illuminated by external means only. Internally illuminated signage will not be considered appropriate in this location.

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Application 15/01624/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS13	Fundamentals of Design
CS14	Historic Environment

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

SDP1	Quality of Development
SDP9	Scale, Massing & Appearance
SDP16	Noise
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 5	Supporting existing retail areas
AP 8	The Night time economy

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

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Application 15/01624/FUL

RECENT APPROVALS FOR RESIDENTIAL DEVELOPMENT

Fairchild House, 21 Southampton Street

- Application ref.15/00480/FUL: Conditional approval granted for the erection of a second and third floor extension to provide an additional 4x studio flats for student accommodation.
- Application ref.14/01748/FUL: Conditional approval granted for alterations and extensions to the existing building including two additional storeys to provide 30 studio flats for student accommodation above the existing building.
- Application ref.14/01756/PA56: No objection to a prior approval application for change of use of the ground floor from Offices (Class B1) to 11 x studio flats (Class C3).
- Application ref.14/01143/PA56: No objection to a prior approval application for change of use of the ground floor from Offices (Class B1) to 6 x flats (Class C3).
- Application ref.06/01680/FUL: Conditional approval granted for alterations and extensions to the existing building including two additional storeys to provide 14 flats above ground floor offices with associated parking.

16 – 18 Upper Banister Street

- 14/01016/FUL: Conditional approval granted for alterations and additions to the existing building to provide a four-storey building with a ground floor commercial unit (Use Classes A1/A2/A3/B1/D1/D2) and 12 flats above (3 x 1 bed and 9 x 2 bed).
- 06/00781/FUL: Conditional approval granted for the conversion of 1st and 2nd floors to residential and erection of fourth storey to provide 14 units of accommodation.
- 04/01387/FUL: Conditional approval granted for the conversion of the existing building to provide 21 no. residential units by the erection of a two storey extension to the south elevation and the addition of a fourth storey to the existing building.

19-22 Carlton Studios

- 10/01328/FUL: Conditional approval for a change of use of the ground floor from (B1) offices to (C3) a three bedroom flat.
- 00/00609/FUL: Conditional approval for a change of use of the upper floors to 8 residential flats, erection of a roof top terrace and elevational alterations.

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Premises Management Plan

Contents

1. Introduction
2. About BrewDog – our values
3. Customer care
4. Good neighbour policies

1.0 Introduction

- 1.1 This Operating Statement has been prepared by BrewDog Bars Ltd and is submitted in support of an application for the change of use of 18a Upper Banister Street, Southampton from restaurant use (Class A3) to a drinking establishment (Class A4), and should be read alongside the rest of the application submission.
- 1.2 The Statement sets out BrewDog's values, its expectations of staff, their training, how the premises will operate in order to be a valued and good neighbour and so as not to impact adversely on residential amenity.
- 1.3 Policies have been developed over time from experience and demonstrate BrewDog's customer care, concern for the wellbeing of customers and the maintenance of a safe and friendly atmosphere on the premises at all times.
- 1.4 Specific local council policies have been consulted and incorporated where relevant and appropriate.

2.1 About BrewDog - our values

- 2.1.1 Since its inception in 2007 BrewDog's mission has been to make other people as passionate about craft beer as we are, and this is still what we strive to do today. BrewDog opened their first bar in Aberdeen in 2010 and now trade from 22 sites across the UK, 11 overseas and has plans to grow significantly over the next 5 years.

Our bars offer an unrivalled selection of draft and bottled craft beers from around the world and focus hugely on educating and impassioning our customers about the incredible products that we offer and what makes them so great. Our staff are our most important asset, that's why every BrewDog employee is paid at least the living wage and all of our staff are offered the opportunity to gain the international beer somellier Cicerone accreditation. We believe that the best way to educate customers about craft beer is

through communication and the staff in our bars and bottleshops are a crucial cornerstone in purveying this message.

Our beers are brewed to be full of flavour and bereft of any of any artificial additives. They are beers to be savoured, beers to be explored and talked about, this is why our bars are designed from the outset to promote an inclusive, friendly and explorative atmosphere. By providing plenty of comfortable seating we want our customers to take their time and appreciate the complex flavour profiles craft beer has as opposed to standing for their whole stay and focusing on the quantity consumed rather than the quality of the product.

We believe that our proposed use of the 18a Upper Banister Street, currently trading as 'Coco Rio' will offer a truly unique experience in Southampton and will allow our customers to better understand the complexities and science involved in the art of brewing by offering them the opportunity to try it themselves as well as enjoying craft beers from some of the best craft brewers around the world.

2.2 Staff training

- 2.2.1 Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.
- 2.2.2 Staff will be trained in the laws relating to under age sales, and their training will be documented and repeated at 6 monthly intervals.
- 2.2.3 Daily, weekly and monthly safety checks will be carried out by staff in accordance BrewDog's due diligence documentation. All safety check reports will be inspected quarterly by the area manager.

3.0 Customer care

3.1 Door staff

- 3.1.1 SIA registered door staff shall be employed at the premises where a requirement is identified following a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands and be equipped with digital radios should the local authority operate a scheme of this kind.
- 3.1.2 A register of door staff employed on the premises shall be maintained on the premises and shall include:
 - i. number of door staff on duty;
 - ii. identity of each member of door staff;
 - iii. times the door staff are on duty.
- 3.1.2 A refusals book will be maintained on the premises and made available to an officer of a responsible authority upon request. Refusals information will also be shared with other operators through the local Pubwatch scheme or similar to assist with the reduction of anti-social behavior in the area.

3.2 Smoking policy

- 3.2.1 Any outside area used by customers wishing to smoke will be covered by the CCTV system installed at the premises.
- 3.2.2 The outside area will be regularly monitored by staff or door staff when it is in use.
- 3.2.3 The outside area will be thoroughly cleaned daily prior to opening, to avoid disturbance of nearby residents in the evening.
- 3.2.4 Suitable receptacles will be provided for smokers to dispose of cigarette butts.
- 3.2.5 Signs will be displayed in the outdoor area requesting customers to keep noise to a minimum.
- 3.2.6 Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside.

3.3 *Drug policy –*

- 3.3.1 **BrewDog acknowledge that whilst their customers are less likely to consume illicit drugs than those who frequent other licensed premises such as nightclubs, a drugs policy must be in force no matter how small the risk may be.**

BrewDog operate a zero-tolerance drugs policy across all of their bars in the UK. Any person found to be selling, consuming, or possessing controlled substances will be asked to leave the bar immediately with details being documented in the refusals log and the police being informed. Documented toilet inspections are carried out hourly during hours of operation and any illicit substances discovered will be logged, securely stored and the police notified so that collection can be arranged.

3.4 *Signage / Information*

- 3.4.1 Health advice – BrewDog ensure that all of their beers are served in appropriate measures
- 3.4.2 Information on licensed taxi services – Signage with details of licensed taxi operators will be displayed in the venue. Staff members will also recommend and offer to arrange reputable licensed taxi transport for customers if so required.
- 3.4.3 Notices will be positioned at exits to the building to request customers to leave in a quiet manner.
- 3.4.4 Board games, beer based literature including books & magazines and abundant comfortable seating are all provided to encourage social interaction and a convivial atmosphere.

3.5 *CCTV policy*

- 3.5.1 A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
- 2.5.2 CCTV will be in operation on any occasion any person is on the premises.

- 2.5.3 Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
- 2.5.4 Where CCTV is recorded onto a hard drive system any DVDs subsequently produced will be in such a format that the CD can be played back on a standard PC or DVD player.
- 2.5.5 Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images for an officer from a responsible authority upon request.

3.8 *First Aid*

- 3.8.1 A first aid box will be kept stocked and available for staff and public use on the premises.
- 3.8.2 A designated member of staff will be a trained first aider

3.9 *Incident log*

- 3.9.1 The premises shall maintain an Incident Log and will be covered by public liability insurance.

4.0 *Good neighbour policies*

4.1 *Out-door space management*

- 4.1.1 Open containers of alcohol shall not be removed from the premises for consumption.
- 4.1.2 The emptying of bins into skips, and refuse collections will not take place between 10pm and 8am.
- 4.1.3 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 4.1.4 Receptacles will be provided for patrons to dispose of their cigarette litter into. These bins will be regularly emptied and external areas will be kept free from litter.

4.2 *Dispersal policy* -

- 4.2.1 The purpose of this policy is to ensure, so far as it is reasonably possible, that the minimum disturbance or noise nuisance is caused to residential neighbours in the vicinity of the proposed development, and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.
- 4.2.2 This will be achieved by exercising pro-active measures towards and at the end of the evening.

- 4.2.3 Management and staff will be made aware of the dispersal policy to encourage efficient, controlled and safe dispersal of patrons during closing time.
- 4.2.4 At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons. Last orders will be called 15 minutes prior to the terminal licensing hour to avoid a surge at the bar, staff will also ensure that customers are not buying excessive amounts of drinks i.e. 8 drinks for a table of 4 people. Once last orders has been called, any recorded music will be gradually turned down and lights will be turned up.
- 4.2.5. Staff members, and door personnel when employed, will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
- 4.2.6. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours. Attention will be drawn to these notices by members of staff.
- 4.2.7. Any open bottles or drinking receptacles will be removed from any patron before exiting the premises.
- 4.2.8 Customers will be actively discouraged from assembling outside the premises at the end of the evening.
- 4.2.9 No noise will be allowed to emanate from the premises.
- 4.2.10 No vibration will be transmitted through the structure of the premises which may give rise to a complaint about noise nuisance.
- 4.2.11 The company does not play loud music or install televisions on its premises to avoid attracting a crowd bent on consumption. Instead, the friendly, inclusive & educational surroundings promote appreciation of the products on offer with a focus in quality rather than quantity.

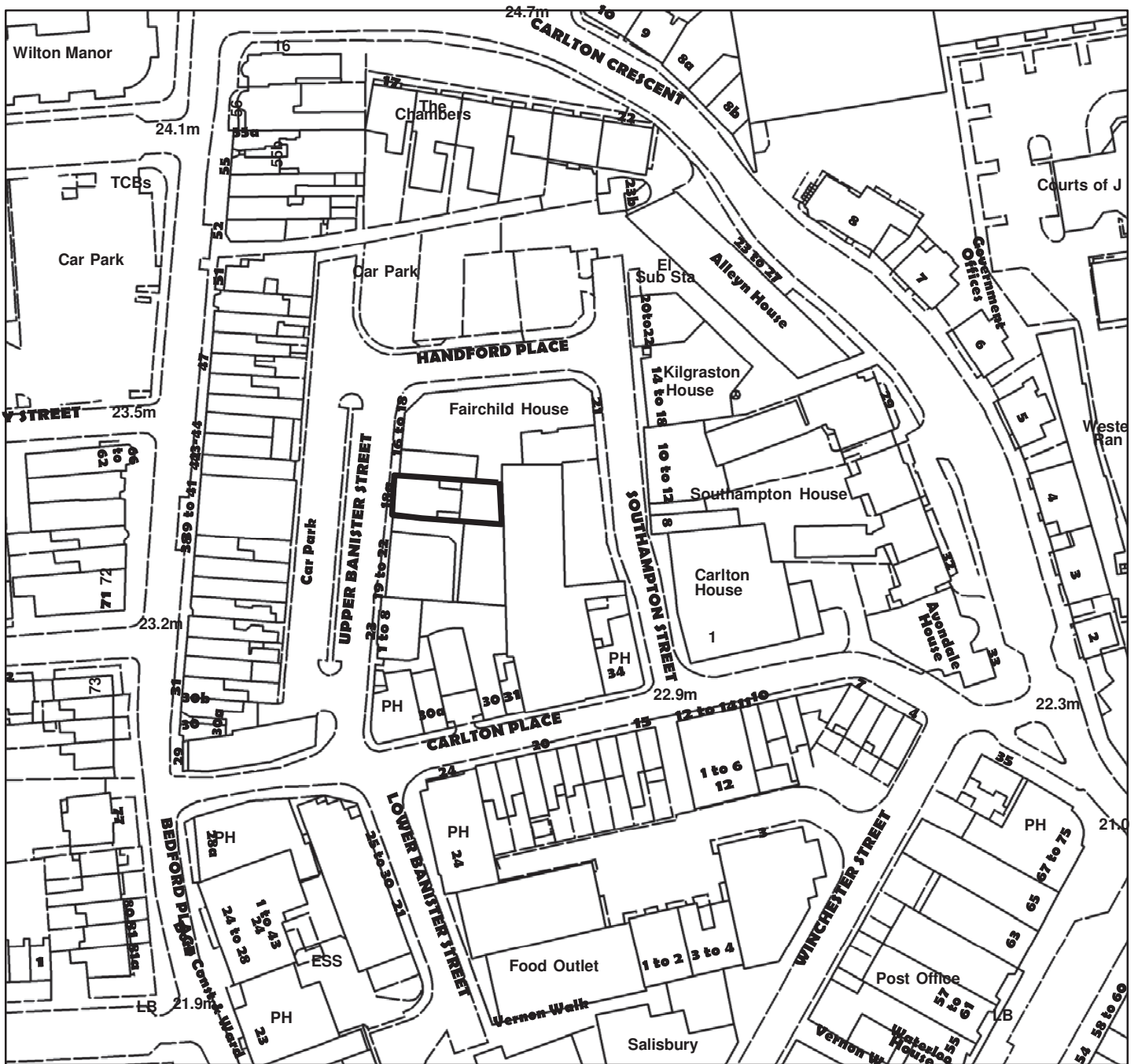
4.3 *Prevention of public nuisance*

- 4.3.1 The exterior of the building shall be cleaned of litter at regular intervals.
- 4.3.2 Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
- 4.3.3 A Dispersal and Smoking Policy will be implemented and adhered to.
- 4.3.4 Emptying of bottles or bins into skips, and refuse collections, will not take place between 10pm and 8am.
- 4.3.5 No noise will emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

4.4 *Protection of under-age children and young people from harm -*

- 4.4.1 A "Challenge 21" Policy will be implemented.

4.4.1 Identification will be sought from any person who appears to be under the age of 21. The only acceptable evidence will be photographic driving licenses, passports, HM forces cards, or a form of identification with the "PASS" hologram.



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Agenda Item 9

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (EAST) - 27 October 2015
Planning Application Report of the Planning and Development Manager**

Application address: 10 – 11 Bedford Place, Southampton, SO15 2DB			
Proposed development: 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.			
Application number	15/01470/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 Minutes
Last date for determination:	30/10/2015 (Extended)	Ward	Bevois
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Diegos Restaurant	Agent: Achieve Town Planning and Urban Design Ltd.
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations as set out in the report to panel on the 27 October 2015 have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with 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, SDP9, SDP15 and REI7 of the City of Southampton Local Plan Review (as amended 2015); CS1 and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015); AP5 and AP8 of the City Centre Action Plan (March 2015).

Appendix attached	
1	Development Plan Policies
2	Site Plan

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site comprises a two storey, terraced property on the western side of Bedford Place. The rear of the property fronts Upper Bannister Street. This property currently operates as Diego's, an A3 restaurant use providing Latin influenced cuisine.
- 1.2 The site is located within both a designated late night zone and an area of secondary retail frontage. The surrounding area is characterised by a range of commercial uses including food and drink, office and retail uses.

2.0 Proposal

- 2.1 Permission is sought for a change of use from restaurant/cafe (class A3) to a flexible use providing mixed use restaurant/café (A3), drinking establishment (A4), hot food takeaway (A5), non-residential institutions (D1), assembly and leisure (D2) with new folding doors and retractable awning at first floor level.
- 2.2 More specifically, the proposed use would comprise:
- Class A3 (restaurant) – This would continue to be the principal use of the property.
 - Class D1 (non-residential institutions)- This would enable the applicant to hold dance classes within the function room at first floor level (as indicated on the submitted plans).
 - Class D2 (assembly and leisure) - The applicant intends to provide live music / dance performances for visitors both in the main restaurant area ground level and in the function room at first floor level when required.
 - Class A4 (bar) – The existing bar is ancillary to the main use of the property as a restaurant. This will continue to be the case however the applicant has indicated that there may be times when people attending dance classes / performances may wish to drink during / afterwards without purchasing food.
 - Class A5 (hot food takeaway) - At present, there is an ancillary takeaway element to the property where people can buy food to consume off site. This is to remain and the applicant wishes to include this in the description of development to formally recognise this element of the business.

The application seeks to provide greater flexibility for the building. The main use of the property would remain as a restaurant. Customers are able to take away food at the current time and there is an existing bar at the property. Both of these elements are ancillary to the main restaurant use at the current time and they would continue to be ancillary as a result of this proposal. The proposed D1 (non-residential institutions) and D2 (assembly and leisure) uses would also be secondary to the main use of the property as a restaurant.

- 2.3 The application also proposes to install a retractable awning over part of the existing smoking terrace. This will enable the terrace to be used during periods

of inclement weather. The submitted plans also indicate the installation of full length, glazed, concertina doors to the rear elevation to provide access to this smoking terrace.

3.0 Relevant Planning Policy

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

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

4.0 Relevant Planning History

4.1 The property has historically been used as a restaurant with ancillary uses (including bar and takeaway).

4.2 In 2015, conditional approval (ref.15/01075/FUL) was granted for the replacement of first floor single glazed metal windows with uPVC double glazed windows.

4.3 In 2015, conditional approval (ref.15/00500/FUL) was granted for alterations to the shop front (retrospective).

4.4 In 2008, conditional approval (ref.08/00085/FUL) was granted for a new shopfront.

4.5 In 2003, conditional approval (ref.03/00905/FUL) was granted for the creation of roof top terrace and additional restaurant seating area at first floor level at the rear of the building. This permission does not appear to have been implemented.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (24/07/2015). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

5.1.1 There is an excess of late night uses in the Bedford Place and London Road area.

Response: The application site is located within both a late night zone and an area of secondary frontage where the proposed uses are considered to be acceptable. The A3 use is existing and will continue to operate as a result of this application. The proposed mixed use would establish a series of uses which would be appropriate for both a late night zone and an area of secondary retail

frontage. A4 (bar) and A5 (hot food takeaway) uses already operate at this property in an ancillary manner and are not likely to be significantly intensified as a result of this proposal. The proposed D1 (non-residential institutions) and D2 (assembly and leisure) uses would remain secondary to the main use of the property as a restaurant. There are no policy restrictions to the number of late night uses within this part of the city.

- 5.1.2 The application could result in 24 hour operation for the property.

Response: The hours of operation for the restaurant use have never been controlled and it would be unreasonable to impose restrictions on hours of operation for this use at this stage. Hours of operation for the new A4 (bar), A5 (hot food takeaway), D1 (non-residential institutions) and D2 (assembly and leisure) uses will however be controlled by planning condition to ensure no loss of amenity occurs. A midnight close is also recommended as supported by the current development plan.

- 5.1.3 The proposal would result in increased noise, disturbance and antisocial behaviour for local residents who already suffer due to the existing late night uses.

Response: It is not considered that the proposed uses would give rise to additional noise, disturbance or antisocial behaviour in this location. As discussed previously, the existing restaurant use already has ancillary bar and takeaway elements and planning conditions will be used to ensure that these remain ancillary to the main use at all times. This will prevent these uses becoming the sole use of the property in the future. The additional D1 (non-residential institutions) and D2 (assembly and leisure) uses will be secondary to the main A3 (restaurant) use and will take place at first and ground floor level when required. The Local Planning Authority is satisfied that the impact of these can successfully be mitigated by way of planning condition.

- 5.1.4 As a result of the proposal, the application site would operate more as a public house which would be detrimental to residential amenity. Hours of operation for an A4 (bar) use in this location should be controlled.

Response: This scheme does not seek permission for a new A4 (bar) use in this location. There is an existing ancillary bar at the property. This will continue to be ancillary as a result of this proposal and this will be controlled by planning condition. Hours of operation for the bar element will also be controlled by condition.

- 5.1.5 Opening doors onto the pavement along Bedford Place will make walking down this street difficult.

Response: This scheme does not seek to alter the front elevation. It is not therefore, considered likely to have an impact on pedestrian movements along Bedford Place.

- 5.1.6 The operation of the site solely as a takeaway would be detrimental to the character and amenity of the local area.

Response: This scheme does not seek permission for a new A5 (hot food

takeaway) use in this location. There is an existing A5 (hot food takeaway) use which is ancillary to the main use of the property as a restaurant. This will continue to be ancillary as a result of this proposal and this will be controlled by planning condition. Hours of operation for the takeaway element will also be controlled by condition.

5.2 Consultation Responses

5.2.1 SCC Environmental Health (Pollution & Safety)

Environmental Health have no objection in principle to this application but recommend that conditions are applied to minimise risk of nuisance and hence;

- The hours of use for the external terrace do not exceed the hours of nearby premises.
- The folding doors leading to the terrace should be closed at all times except for access and egress.
- The double door lobby to the front must be retained.
- The condition that windows remain closed after 21.00 hours.
- No music to be provided on the external terrace.
- The terrace must not be enclosed if it is to be used for smoking as it would not comply with the Health Act which requires 50% open sides if a roof exists to the area.

The control of use of the terrace and the doors and windows restrictions are to minimise noise break out and potential disturbance and nuisance to neighbours and residents.

Response: Health and safety legislation is considered sufficient to address the issue relating to the enclosure of the smoking terrace and so a planning condition is not considered relevant for this issue. The hours of use for the external terrace will match the hours of use for the operation of the property.

5.2.2 Hampshire Constabulary – No objection.

NPPF Para 58 includes the following statement; *Planning policies and decisions should aim to ensure that developments: "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*

Consideration should be given to limiting the number or percentage of premises in A4 use, particularly where they would be replacing other uses which would otherwise add to the diversity of the area and thus encourage a greater mix of visitors.

A successful, vibrant and sustainable night time economy should be based on a diversity of attractions which encourages a greater mix of visitors. Simply having a large concentration of bars and nightclubs is not the answer and could potentially result in creating a violent drinking culture and unsafe area where many people feel reluctant to go. It cannot be left solely to the Local Authority and Police licensing teams to manage these issues via the licensing process.

The Police wish to encourage a mix of use in the night time economy area, our

only concern is the potential for A4 (bar) use to become dominant.

The applicant states that the A4 (bar) use is to allow patrons attending the dance classes or special event to have a drink without the need to have a substantial meal. This is considered acceptable in this case providing the A4 (bar) area is limited, therefore, if you are minded to approve this application then the Police would request that this be formalised, by way of condition if necessary.

This is no criticism of this particular applicant, their management processes or their brand, it is simply because once A4 (bar) use has been established it would be difficult to refuse future applicants who may not wish to operate in the same manner.

6.0 Planning Consideration Key Issues

6.1 The determining issues for this scheme relate to:

- The acceptability of the principle of development.
- The impact of the proposed scheme on the residential amenities of any nearby residential occupiers.
- The acceptability of the design of any external alterations.

6.2 Principle of Development

6.2.1 All of the proposed uses can, according to the NPPF, be classed as 'main town centre uses'. They are therefore, uses which by their very nature, are considered to be acceptable in city centre locations.

6.2.2 This application site is located within a designated area of secondary retail frontage within Southampton City Centre.

6.2.3 With regards to areas of secondary retail frontage, policy AP5 of the City Centre Action Plan states that:

'Proposals for new development or a change of use at ground floor level for A1, A2, A3, A4 or A5 uses or those offering a direct service to the public will be supported provided:

*(v) An active frontage appropriate to a shopping area is included; and
(vi) It would not be detrimental to those living or working nearby, for example by causing undue noise, odour and disturbance'.*

The restaurant use is an existing use and is considered to be compliant with this policy. It is noted that the existing restaurant has ancillary bar and takeaway uses at the current time which have evolved over time as the use classes system has changed. In light of policy AP5, the principle of the additional bar and takeaway uses would be considered acceptable in this location. These uses would only constitute a small element of the scheme and are not considered to be harmful when in conjunction with the main restaurant use. It is acknowledged that it is desirable for these uses to remain ancillary and for this reason, a suitably worded planning condition will be imposed to ensure that these uses do not at any time, become the principal use of the site.

6.2.4 Policy AP5 of the City Centre Action Plan continues to state that:

‘Proposals for the use of upper floors in Primary and Secondary Retail Frontages for retail, residential, leisure, office or other complementary uses which help to maintain or enhance the character and vitality of the centre will be supported. Where upper floors are currently in retail use, developers should seek to retain uses where viable and appropriate’.

6.2.5 With regards to the D1 (non-residential institutions) and D2 (assembly and leisure) uses, the submitted plans indicate that it is only the function room located at first floor level which would accommodate these. At first floor level, these leisure uses would be complementary to the secondary retail frontage by diversifying the range of city centre uses in the area. Subsequently they maintain the vitality and viability of the secondary retail frontage. Again, in the interest of the vitality and viability of the secondary retail frontage, a suitably worded planning condition will be imposed to ensure that these do not become the principal use of the site and that they are restricted to the first floor only.

6.2.6 The application site is located within a designated late night zone under policy AP8 of the City Centre Action Plan. Paragraph 4.71 of the City Centre Action Plan states that:

‘Proposals for new development and extended opening hours will be subject to restricted opening times as set out in table 5. In evening zones and late night hubs, extended opening hours for food and drink uses (Use Classes A3, A4 and A5) will be supported subject to meeting other policies, particularly those to protect residential amenity and retail areas’

6.2.7 Table 5 of paragraph 4.74 of the City Centre Action Plan indicates that a terminal hour of midnight will apply for new late night uses within the Bedford Place and London Road area.

6.2.8 The existing restaurant has operated for a substantial period of time with no restrictions to its hours of operation. The building also has a current license for 00:30 (Monday to Saturday). As such, it is considered unreasonable to introduce restrictions to limit the hours of operation for the restaurant use at this time. It is however, deemed necessary to limit the hours of operation of the proposed A4 (bar), A5 (takeaway), D1 (non-residential institutions) and D2 (assembly and leisure) uses to ensure that they can only operate up until a terminal midnight hour. This would successfully mitigate the impact of these uses and complies with policy.

6.3 Residential Amenity

6.3.1 There are no residential dwellings located immediately adjacent to the application site, however care needs to be taken to ensure there is no impact to residential dwellings in the wider area. The range of uses which have been proposed are not considered to be detrimental to the residential amenities of any adjoining occupiers. The City Council’s Environmental Health team have assessed the proposal and recommended a number of conditions to minimise the risk of nuisance to the wider area. These relate to:

- Hours of operation for the smoking terrace to be restricted.
- Folding doors to the terrace to remain closed at all times except when

required to be opened for access and egress.

- Double door lobby to the front of the property to be retained.
- Windows to remain closed after 21:00 hours.
- Smoking terrace not to be enclosed – open sides to be retained.

Conditions have been added to cover these points. Provided that these conditions are satisfied, this scheme is not considered to give rise to additional noise or disturbance.

6.4 Design

6.4.1 The first external alteration relates to the installation of an awning over part of the roof terrace. The roof terrace is not highly visible from the rear of the property. As such, it is not considered to have a significant impact on the wider streetscene and would be acceptable in design terms.

6.4.2 The second external design alteration relates to the installation of folding doors to provide access to the roof terrace. These would replace an existing set of folding doors in this location. The proposed replacement doors are considered to be of an acceptable appearance for this location and would not differ greatly from the existing doors. Again, their location within the rear elevation, obscured by the roof terrace would ensure that they would not be overly visible from the wider streetscene. As such, these are considered to be acceptable in design terms and compliant with Core Strategy policy CS13.

7.0 Summary

7.1 Having regard to the issues discussed in this report, this proposal is considered to be acceptable in principle and is not considered likely to be harmful to residential amenity. This proposal seeks flexibility around the principle restaurant use and largely seeks to ratify the existing ancillary uses that have taken place at the premises. Furthermore, all external alterations are considered to be acceptable in design terms.

8.0 Conclusion

8.1 The application is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(e), 6(a), 6(b).

LAUGRI for 27/10/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

2. APPROVAL CONDITION - Approved Plans

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

Reason:

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

3. APPROVAL CONDITION: Restriction of A4, A5, D1 and D2 uses

The principal use of the property shall remain within class A3 (restaurants and cafes) at all times. The A4 (drinking establishment), A5 (hot food takeaway), D1 (non-residential institutions) and D2 (assembly and leisure) uses hereby permitted shall remain secondary to the A3 (restaurants and cafes) use at all times unless otherwise agreed in writing by the Local Planning Authority. Furthermore, the unit shall not be subdivided to form a separate planning unit without first obtaining planning permission from the Local Planning Authority.

Reason:

In the interests of amenity and to protect the character of the Secondary Retail Frontage.

4. APPROVAL CONDITION - Hours of Operation for A4, A5, D1 and D2 uses - [Performance Condition]

Unless otherwise agreed in writing by the Local Planning Authority, the A4 (drinking establishments), A5 (hot food takeaway), D1 (non-residential institutions) and D2 (assembly and leisure) uses hereby permitted shall not operate outside the following hours:

Monday to Sunday: 08:00 to 00:00

Reason:

In the interests of residential amenity.

5. APPROVAL CONDITION - Hours of use for smoking terrace [Performance Condition]

The smoking terrace shall not be open for use by patrons between the hours of 00:00 and 08:00 seven days a week and no music shall be played on the terrace at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

6. APPROVAL CONDITION: Noise break out measures.

Unless otherwise agreed in writing by the Local Planning Authority, the following measures shall be implemented at all times:

- (a) All windows shall remain closed after 21:00 hours.
- (b) The double door lobby at ground floor level shall be retained at all times.
- (c) The folding doors hereby permitted shall remain closed at all times except for access and egress purposes.

Reason:

To prevent the break out of noise associated with the uses hereby permitted.

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POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1 City Centre Approach
CS13 Fundamentals of Design

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

SDP1 Quality of Development
SDP9 Scale, Massing & Appearance
SDP16 Noise
REI7 Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 5 Supporting existing retail areas
AP 8 The Night time economy

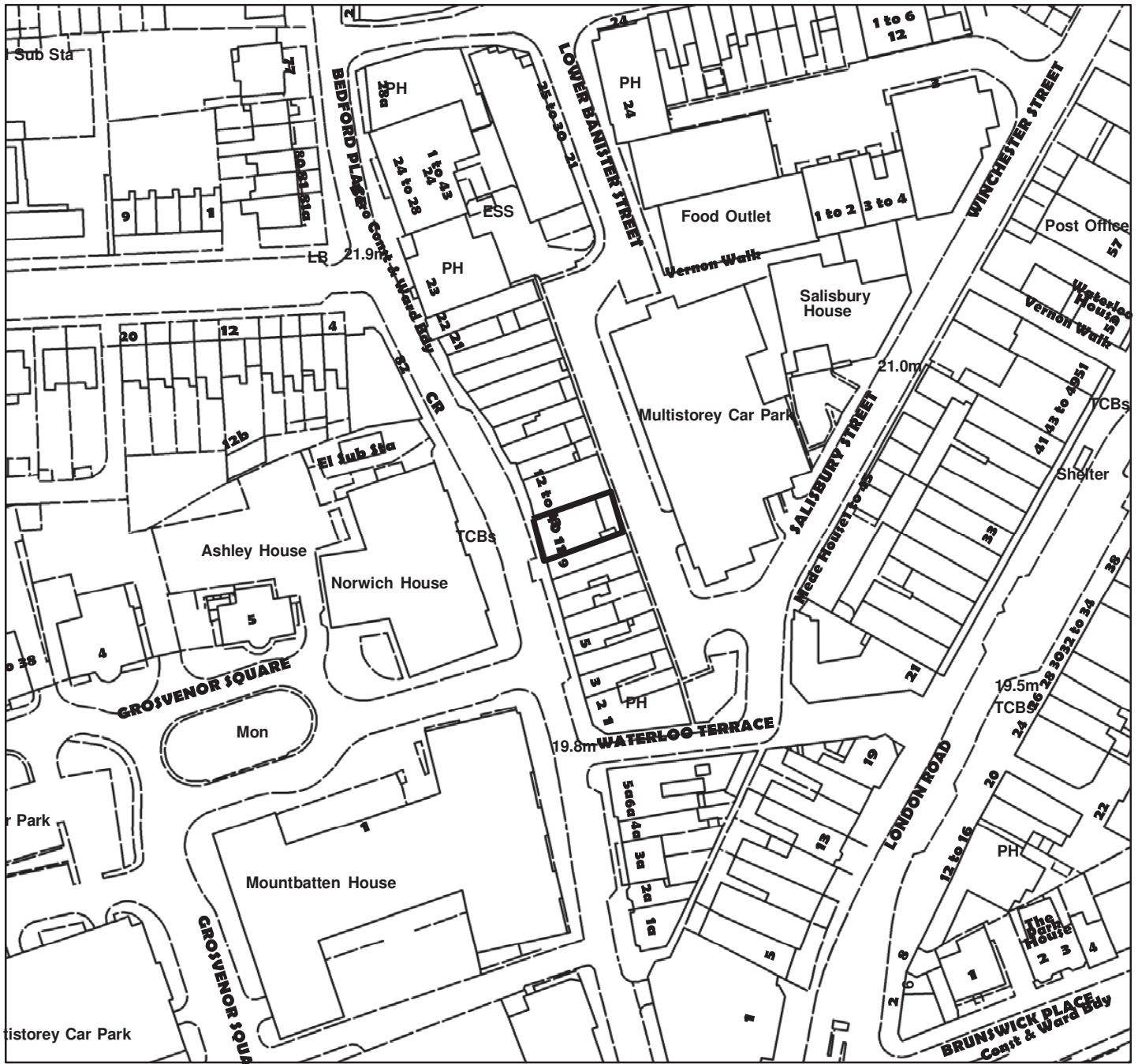
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

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