

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 23 April 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Portcullis House, Platform Road			
<b>Proposed development:</b> Alterations and change of use of the building to provide 36 self-contained student residential flats.			
<b>Application number</b>	12/00400/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	17.05.2012	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Major planning application subject to objection	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Cherrymain Estates Ltd	<b>Agent:</b> Ts Design Group
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 23.04.13 do not have sufficient weight to justify a refusal of the application. The proposal is considered to be acceptable in highway safety terms and a satisfactory residential environment can be achieved without constraining the operations of the port. Where appropriate planning conditions have been imposed to mitigate any harm identified. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

"Saved" Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP16, HE1, CLT5, CLT7, H2, H7, H13 and MSA1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS1, CS4, CS9, CS13, CS14, CS18, CS19, CS20, CS21, CS23 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1.	Development Plan Policies	2.	Planning History

## **Recommendation in Full**

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

- i. Financial contributions towards site specific transport 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 SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- iv. The submission of a student intake management plan including measures to discourage students from bringing cars to the city;
- v. 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;
- vi. A clause restricting the occupation of the development to students with management in accordance with the Southampton Accreditation Scheme for Student Housing (SASSH) or equivalent in lieu of affordable housing.

2) In the event that the legal agreement is not completed within two months of 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 vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

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

1.1 The application site comprises a four-storey flat-roof office building which is currently vacant and has been for an extended period of time. The site lies within the Canute Road Conservation Area and the defined City Centre. The site fronts Platform Road and adjoining the site to the south is operational port land. The building itself has no curtilage associated with it.

### **2. Proposal**

2.1 The application seeks planning permission to convert the existing building into student residential accommodation. The application has been amended significantly since originally submitted and in particular the following changes have been made:

- The number of student flats has been reduced from 51 to 36 and all the rooms

- now have single-aspect over Platform Road
- A retail unit has been omitted from the ground floor
- The entrance to the western end of the building has been restricted to fire exit only.

2.2 The ground floor of the building would incorporate a communal lounge area, a reception and office for on-site management and integral storage for cycle and refuse.

2.3 In terms of external alterations, the application proposes new fenestration and the cleaning of the existing external cladding of the building.

### **3. Relevant Planning Policy**

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

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

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

4.1 The planning history for the site is set out in **Appendix 2**. The site was historically used as offices. In 2004 planning permission was refused for the conversion of the building into 34 self-contained flats. The reasons for refusal (included in **Appendix 2**) related to the noise impact of the port and road transport on the residential environment and the failure to mitigate the direct local impacts of the development.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (29.03.12) and erecting a site notice (26.03.12). At the time of writing the report **16** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The adjoining port uses operate 24 hours a day and would result in complaints from residents regarding noise and light.***

#### **5.3 Response**

A noise report was submitted with the application which demonstrates that an acceptable internal noise environment can be achieved. The use of mechanical ventilation will ensure that units can be adequately ventilated without the need to

open windows which would impact on the internal noise environment. The removal of habitable room windows (and their replacement with a communal corridor) facing onto the port would ensure that the accommodation would not be adversely affected by light disturbance.

5.4 ***There is a potential for conflict between pedestrians and cyclists associated with the development and the transport associated with Dock Gate 4***

5.5 **Response**

There is an existing pedestrian crossing adjacent to the site and this will be retained in the Platform Road Improvement Scheme. This scheme will also provide further opportunities for pedestrian crossing. As such, Highways have raised no objection in this respect.

5.6 ***The car park immediately adjacent to the site is operational port land and could be used for more intensive activity during day and night and the noise report does not take this into account.***

5.7 **Response**

The Council's Environmental Health Team are aware of this issue and took it into account when commenting on the application. The more flexible permitted development rights that exist on operational port land were a key reason for the recommendation for mechanical ventilation of units and also triggered the removal of the port-facing accommodation from the scheme. Any student seeking to take up residence should be aware of the close proximity of the port.

5.8 ***The refuse collection area is shown to be outside of the site and within the Dock Gate.***

5.9 **Response**

A condition is suggested to prevent refuse from being stored and collected from within the Dock Gate and to secure a refuse management plan to ensure that no harmful impact occurs as a result of these activities.

5.10 ***The absence of vehicular access to serve Portcullis House could result in additional traffic movements which would impact on the access to the docks***

5.11 **Response**

The removal of the retail unit from the scheme has reduced the opportunities for the scheme to generate vehicle movements. A student intake management plan is proposed and parents can park within the Orchard Place car park at these times.

## **CONSULTATION RESPONSES**

5.12 **SCC Highways** - No objection subject to conditions and the inclusion of a series of parking and management measures being secured through the section 106 agreement.

5.13 **SCC Sustainability Team** – No objection subject to a condition to require the implementation of the suggested sustainability measures.

5.14 **SCC Environmental Health (Pollution & Safety)** - No objection. Recommend a condition to ensure that the flats are served by mechanical ventilation.

5.15 **Southern Water** – No objection

5.16 **Associated British Ports** - Object. Raise concerns that the proposal would generate vehicle movements outside of start and end of terms which would impact on the adjacent highway. Raise concern that additional pedestrian and cycle movements adjacent to the Dock Gate could create a highway safety issue. The proposed external works could not be implemented as would rely on third party land for access. Also raise concern that refuse collection would take place from within the Dock Gate.

5.17 **Environment Agency** - No detailed comments to make.

## **6. Planning Consideration Key Issues**

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

- i. The principle of development;
- ii. Impact on residential amenity;
- iii. The quality of the residential environment proposed and consideration of previous reasons for refusal;
- iv. Parking, highways and servicing;
- v. The impact on the character of the Conservation Area and;
- vi. Mitigation of direct local impacts.

The relationship with the proposal with the adjoining port land also needs to be carefully considered in terms of the residential environment and parking, highways and servicing.

### **6.2 Principle of Development**

6.2.1 The proposal would make efficient use of previously developed land to provide residential accommodation and furthermore, there is a recognised need for purpose built student accommodation within the city, with the resultant reductions in the demand for HMOs elsewhere. Policy CS1 of the Core Strategy supports the introduction of further residential accommodation within the city centre. The proposal to bring back into use a vacant building which is located both within the city centre and a Conservation Area together with the sustainability benefits of making good use of an existing building are welcome.

### **6.3 The Quality of the Residential Environment Proposed**

6.3.1 The key issues in this respect is the relationship of the site with the port, particularly in terms of whether noise and disturbance can be managed to ensure a good quality residential environment is achieved which does not generate complaints regarding the adjoining port uses in the future. As noted above, the scheme has been amended since originally submitted which has resulted in an overall reduction in the number of units proposed. This is to ensure that no flats rely on operational port land for their outlook but does mean that all flats have a single, northerly aspect due to the location, which it is accepted is far from ideal.

6.3.2 A noise report was submitted with the application and the Environmental Health Team agree with the conclusions and raise no objection to the application, subject to a condition to secure mechanical ventilation to the flats. This is to ensure that the accommodation can be occupied comfortably without the need to open

windows and introduce noise disturbance into the units. It is important to note that the previous refused application to convert the building into flats was not supported by a noise report and incorporated flats with sole aspect over the port. It is considered that the current submission has therefore addressed the previous reason for refusal in relation to noise. It is accepted that the Port has considerable permitted development rights that could impact on any occupier and they will have to consider that when deciding whether to stay there.

6.3.3 No on-site amenity space can be provided, however the site lies directly opposite Queen's Park and furthermore the student occupants would have access to the sports and recreational facilities that the universities offer. As such, the provision of no amenity space is considered to be acceptable in this instance. In addition to this, the application makes provision for a communal lounge on the ground floor of the building. As such, the quality of the residential environment is considered to be reasonable.

#### 6.4 Parking, Access and Servicing

6.4.1 Given that the site adjoins a critical entrance to the port, the application needs to be carefully assessed in terms of potential impacts on the port access and adjoining highway. The Platform Road Improvement Scheme will incorporate a lay-by adjacent to the site for servicing purpose which would ensure vehicles can service the site without affecting the flow of traffic on Platform Road. A condition is recommended to ensure that the refuse store is collected from the integral store and not left within the Dock Gate.

6.4.2 Having regard to the student occupation of the development, the vehicle trip generation is likely to be limited to the start and end of term. As part of the section 106 agreement a Student Intake Management Plan will be secured to ensure vehicle drop-offs take place in the nearby Orchard Place car park. The application indicates that there would be a management presence on site to help control parking and access at the start and end of terms. There are and will continue to be restrictions in place on the highway adjoining the site to prevent vehicles. Having regard to its city centre location, the site is within easy reach of shops, services and public transport links to the main universities. The development also includes adequate facilities for the storage of cycles. As such, the provision of no car parking to serve the development is acceptable and would also deter future residents from bringing a car to the site. The Highways Team have therefore raised no objection to the application and the proposal is considered to be acceptable in this respect.

#### 6.5 Impact on the Character of the Conservation Area

6.5.2 The proposed external alterations to the building are minimal and as such it is not considered that the development would have a significant impact on the character of the area. Although has noted above, bringing the building back into active use is welcome.

#### 6.6 Mitigation of Direct Local Impacts

6.6.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

## **7. Summary**

- 7.1 The absence of curtilage in association with this building has made it difficult to secure an appropriate use for this building and as such, it has remained vacant for a number of years. The amendments to the scheme and the suggested conditions and section 106 requirements will help to ensure that the scheme would not significantly affect the adjoining port operations.

## **8. Conclusion**

- 8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**JT for 23/04/13 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

#### **02. APPROVAL CONDITION - Mechanical Ventilation [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of a mechanical ventilation system to the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation shall be installed in accordance with the agreed details before the development first comes into occupation and thereafter retained in full working order.

Reason

To ensure a satisfactory residential environment is received.

#### **03 APPROVAL CONDITION - Refuse Management Plan [pre-commencement condition]**

Prior to the commencement of the development hereby approved, a management plan to address the collection of refuse and recycling from the premises shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the Refuse Management Plan. Notwithstanding the plans hereby approved, no refuse storage or collection shall take place within Dock Gate 4.

Reason

To ensure that refuse storage and collection arrangements do not adversely affect vehicle movements associated with the adjoining port.

**04. APPROVAL CONDITION - Cycle and Refuse Storage [performance condition]**

The cycle and refuse storage shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development.

**05. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

Before any development works are commenced 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) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during construction will be mitigated. The approved CMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason:

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

**06. APPROVAL CONDITION - Implementation of Alterations to the Building [pre-occupation condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the physical alterations to the building hereby approved shall be completed before the use first comes into occupation in accordance with the details hereby approved.

Reason:

To ensure the visual improvements to the site are secured.

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

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

**08. APPROVALCONDITION - Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved details of foul and surface water disposal shall be submitted to and agreed in writing by the Local Planning Authority in writing. The development shall thereafter proceed in accordance with the agreed details.



Reason:

To secure a satisfactory form of development.

**09. APPROVAL CONDITION - CCTV/On-site Management [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of CCTV at the premises and/or on-site 24 hour management shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed measures.

Reason

To reduce opportunities for crime and anti-social behaviour

**10. APPROVAL CONDITION - Hours of Construction [ Performance condition]**

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, 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.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

**11. APPROVAL CONDITION – Hours of Deliveries [performance condition]**

No deliveries (including construction traffic) during the hours of 08:30 to 09:30 and 16:00 and 17:30.

Reason:

To ensure that deliveries to the site do not coincide with rush hour traffic

**12. APPROVAL CONDITION - Communal accommodation [performance condition]**

The communal areas as shown on the plans hereby approved shall be made available for use before the development first comes into occupation and thereafter retained as approved.

Reason:

To provide a satisfactory residential environment.

**13. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS9	Port of Southampton
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS23	Flood Risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
HE1	New Development in Conservation Areas
CLT5	Open Space in New Residential Developments
CLT7	Provision of New Public Open Space
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment
H13	New Student Accommodation
MSA1	City Centre Design

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

**Relevant Planning History**

1384/68 Centralised water guard office	Conditionally Approved 16.12.1969
1508/M2 Gates & enclosure of car parking area	Conditionally Approved 04.05.1976
890680/EX Alts to north and south elevations	Conditionally Approved 11.05.1989
921322/E Installation of satellite antenna to roof of building	Consented 09.12.1992
04/00627/FUL Conversion of the existing building into 36 no. self contained flats involving external alterations to building.	Refused 20.07.2004

**Reasons for refusal:**

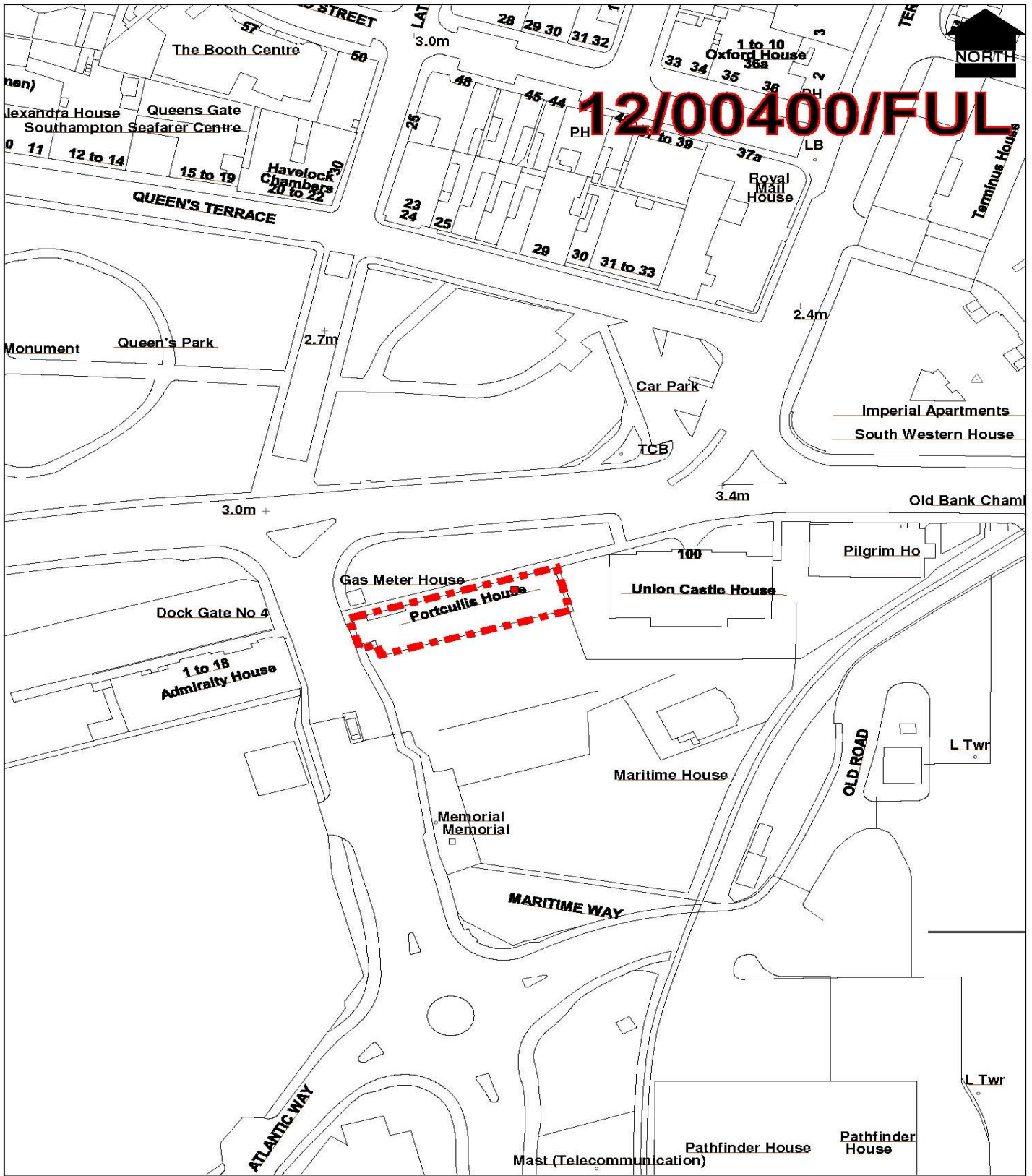
01. The development fails to address the impact of noise disturbance for the residents of the proposed flats arising from proximity to the Port of Southampton and traffic noise. The Local Planning Authority are not satisfied that the residential use of the site would not result in an unacceptable living environment for residents of the proposed flats and noise complaints which would prejudice the continued operation of the Port. As such the development would be contrary to Policies GP1 and H10 of the City of Southampton Local Plan and Policies SDP1, SDP16 and H8 of the City of Southampton Local Plan Revised Deposit version.

02. The proposals would make inadequate provision to accommodate the travel generated by the development and no provision for vehicle access to, vehicle servicing or car parking and would lead to problems of highway safety and congestion. As such the development would be contrary to the provisions of policies GP1 and T2 of the City of Southampton Local Plan and Policies SDP1, SDP3, SDP11 and H8 of the City of Southampton Local Plan Revised Deposit Version.

03. The development fails to secure the provision of housing that would be available to people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and income. As such the development would be contrary to the provisions of policy H2 of the City of Southampton Local Plan and Policy H13 of the City of Southampton Local Plan Revised Deposit Version.

04. The development fails to secure the provision of open space and play space or play facilities. As such the development would be contrary to the provisions of policies GP1, L4, L6 of the City of Southampton Local Plan and Policies CLT 5 and CLT 6 of the City of Southampton Local Plan Revised Deposit Version.

08/00803/ADV Externally illuminated banner sign to front elevation	Refused 15.07.08
09/01310/ADV 2 x internally illuminated banner signs to Platform Road elevation.	Refused 03.03.10



Scale : 1:1250

Date : 10 April 2013

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