

**Planning, Transport and Sustainability Division  
 Planning and Rights of Way (West) Panel – 21 April 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Westway Precision Engineering Henty Road			
<b>Proposed development:</b> Proposed change of use from Industrial (class b1) to Community Centre (Class D1)			
<b>Application number</b>	15/00145/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Laura Grimason	<b>Public speaking time</b>	5
<b>Last date for determination:</b>	30/03/2015	<b>Ward</b>	Millbrook
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Galton Cllr Denness Cllr Thorpe
<b>Referred by:</b>	Cllr Galton	<b>Reason:</b>	Impact on residential amenity from increased parking demand and noise / disturbance.

<b>Applicant:</b> UK Shaolin Temple	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with 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 and SDP5 of the City of Southampton Local Plan Review (March 2006)  
 CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>
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1	Development Plan Policies		
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## **Recommendation in Full**

### **Conditionally approve**

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

1.1 The application site consists of part of an industrial workshop to the south of Henty Road. The surrounding area is predominantly residential and is characterised by two storey, terraced and semi-detached dwelling houses.

#### **2.0 Proposal**

2.1 Permission is sought for a change of use from industrial (Class B1) to a community centre (Class D1). This application relates only to the rear part of the existing workshop, set back from Henty Road by approximately 22m. The front part of the site will remain in industrial use.

2.2 The community centre would be used for Shaolin and Chinese cultural activities for all ages. The activities to be undertaken would include: Shaolin Kung Fu, Tai Chi and self-defence classes in addition to wellbeing and cultural activities including meditation, calligraphy and Chinese language classes.

2.3 The applicant has indicated that the centre would operate between 09:00 and 21:30 Monday to Saturday only. It would remain closed on Sundays and Bank Holidays. More specifically, the community centre would operate as an office / headquarters between 09:00 and 16:00 Monday to Friday with Shaolin and Cultural activities in operation between 17:00 and 21:30. The applicant has specified that the quieter 'wellbeing' activities would be held between 20:30 and 21:30.

#### **3.0 Relevant Planning Policy**

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

3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

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

## **4.0 Relevant Planning History**

- 4.1 In 2014, an application (ref. 14/01824/FUL) was refused. This sought permission for a change of use from industrial (class B1) to a community centre (Class D1). There were 2 reasons for refusal. These were as follows;

### **1. Lack of information (Parking).**

The application fails to provide sufficient and accurate information with regard to the available car and cycle parking for the proposed use. As a result, the Local Planning Authority is unable to fully assess the impact on the immediate streets in terms of residential amenity and therefore determine whether the proposal is contrary to saved policies SDP1 (i) of the City of Southampton Local Plan Review (Adopted March 2006), policy CS19 of the Development Plan Document Core Strategy Local Development Framework (Adopted January 2010) and sections 4.3.1 and 5 of the Parking Standards Supplementary Planning Document (Approved September 2011).

### **2. Lack of information (Noise / Disturbance).**

The application fails to provide sufficient information on the specific activities, especially within the evening hours (1800-2200), proposed to be undertaken within the building. As a result, the Local Planning Authority is unable to fully assess the impact on the neighbouring residential properties in terms of noise, disturbance and amenity and therefore determine whether the proposal is contrary to saved policies SDP1 (i) and SDP16 (i) of the City of Southampton Local Plan Review (Adopted March 2006).

- 4.2 In 1983, conditional approval (ref.W02/1641) was granted for the use of the property for light industrial purposes. This restricted hours of operation to between 08:00 and 18:00 Monday to Friday and 08:00 and 12:00 hours on Saturdays. This use is not permitted on Sundays or Bank Holidays.

## **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. At the time of writing this report **23** representations have been received from surrounding residents. The following is a summary of the points raised:

- 5.1.1 The submitted parking survey is flawed and does not accurately reflect the number of spaces available on the road, particularly at peak hours and at the weekend. Furthermore, a parking survey has not been undertaken during the evening or during the times when the proposed use would be in operation.

Response: The submitted parking survey is considered sufficient to examine parking provision within the area surrounding the application site. This has been reviewed by the highways team who are satisfied with its findings. It is the view of the Local Planning Authority that the parking survey demonstrates that there is sufficient parking capacity in the surrounding area.

- 5.1.2 There is no information on the level of noise likely to arise from the proposed use.

Response: A noise report was submitted on 19/03/2015. This has been reviewed by the Environmental Health team who do not raise objection to the scheme. Through negotiation with the applicant, we have reached an acceptable compromise where suitably worded conditions will be imposed to protect nearby residential properties from any noise arising from the proposed activities but will still enable the proposed activities to take place.

- 5.1.3 The proposed use would give rise to an increase in noise arising from the site which would be to the detriment of the residential amenities of neighbouring occupiers. Noise would also potentially arise from people and vehicles arriving and leaving during the day and into the evening.

Response: The Environmental Health have raised no objection to this application regarding noise from the proposed use. Provided a number of conditions are imposed, the proposal is not considered likely to be detrimental to residential amenity.

- 5.1.4 There is insufficient information regarding the proposed uses.

Response: The applicant has submitted information to indicate the types of classes which would be undertaken. The community centre would be used for Shaolin and Chinese cultural activities for all ages. The activities to be undertaken would include: Shaolin Kung Fu, Tai Chi and self-defence classes in addition to wellbeing and cultural activities including meditation, calligraphy and Chinese language classes.

- 5.1.5 The presence of asbestos on site would introduce a safety issue for future users of the site.

Response: This is not a planning issue. For help with asbestos, the applicant would need to contact the Environmental Health department and the Health and Safety Executive.

- 5.1.6 The proposed use would exacerbate existing parking issues within the surrounding area, particularly along Clarendon Road and Henty Road. This tends to be worse during the evening. Given the nature of the use, it is likely that users would travel to the site by car and not by cycling or using public transport as stated by the applicant.

Response: The applicant has submitted a detailed parking survey which indicates that there is sufficient capacity on the residential roads surrounding the application site. Furthermore, the applicant has provided detailed advice on public transport services which could be used to access the site. The application site is located in close proximity to Shirley Town Centre meaning that it benefits from good access to public transport links.

- 5.1.7 There is no demand for the facilities proposed.

Response: This is not a valid planning consideration. It is not the role of the Local Planning Authority to assess demand for a particular use in this instance. The applicant has identified a site to establish the proposed community centre. It would not be reasonable to refuse an application solely on the grounds that there is no demand for the proposed use.

Work has already begun on site.

- 5.1.8 Response: The works that are being undertaken are internal only and do not require planning permission. This was discussed at the site visit with the applicant.

This application does not vary considerably from the previously refused application (ref.14/01824/FUL).

- 5.1.9 Response: The previous reasons for refusal related to lack of information on parking and noise. The resubmitted application includes a noise report and a parking survey to overcome these previous reasons for refusal. These documents satisfy concerns relating to noise and parking stress.

The proposed use of the property as a community centre would result in anti-social behaviour.

- 5.1.10 Response: It is not considered that the proposed use would give rise to a significant increase in anti-social behaviour.

The proposal would result in a loss of light for residents whose gardens back on to the application site.

- 5.1.11 Response: The application does not include any external works and as such, it is not considered that the proposal would result in a loss of light for any neighbouring occupiers.

The proposed community centre would adversely impact on highways safety.

- 5.1.12 Response: The City Council's Highways team have raised no objection to the proposal in terms of highways safety.

A site nearer to Shirley Town Centre would be more appropriate for the proposed use.

- 5.1.13 This is not a valid planning consideration. The applicant has identified a site to establish the proposed community centre. We must therefore, assess the acceptability of the proposed use in this location.

The application does not seek permission to open on Sundays or bank holidays however it is likely that this will eventually happen.

- 5.1.14 Response: The application does not, in its current form, seek permission to open on Sundays or Bank Holidays. If permission is granted and the applicant wishes to open on Sundays or Bank Holidays, they will need to seek a variation of the condition relating to hours of operation. Such an application would be assessed by the Local Planning Authority.

A neighbour notification letter was not sent to 82 Clarendon Road.

- 5.1.15 Response: The records indicate that a letter was sent to this property on 06/02/2015.

## Consultation Responses

5.2 **SCC Highways** - Since the pre-application stage, there has not been much change in the proposals or the local area to the site. Therefore my comments remain roughly the same.

In principal, this scheme is acceptable. It is difficult to argue which use will generate more vehicular trips. A 'B1' (light industry being the worst case scenario) generally create more vehicular trips on a frequent and consistent basis whereas a D1 use's trips can be less frequent but more concentrated and in this case, produce an impact in the evening.

However, the applicant has submitted an extensive parking survey which shows that there are some available parking throughout the day. In addition, there are not too many properties which front onto Henty Road which could help with the parking pressure.

The applicant has noted that there is parking along the side of the building. As it is an existing access with no known highway safety concerns (from the reported accidents map 2005-2013), it would be unfair to remove the parking but it must be conditioned that the parking should be reserved and marked for staff only. Due to the lack of on-site turning, the narrowness and poor sightlines, it is unsafe to intensify the use of the access considerably by allowing visitors to park there.

It is hard to predict the number of visitors will arrive by car but there is no clear demonstration of harm due to following considerations: the scale of the property; the surrounding area being of a dense residential nature therefore there could be a good chance that the visitors will be local and therefore may walk/cycle; the opening hours and uses; the results of the parking survey (with around 23-25 available parking on Henty Road alone) and the potential of providing some on-site parking (for staff).

To conclude, it is not clear whether the overall trips will increase or decrease from the proposed use when compared to the existing. However, it will most likely introduce more evening trips and a more concentrated during the session start/finish times. However, the parking survey suggests there is enough to accommodate a fair amount of on-street parking (survey suggests 23-25 spaces on Henty Road alone) and with little accesses/properties fronting Henty Road, the parking demand on this stretch of road may be lower than the surrounding roads.

Parking pressure is an amenity issue and not a highway safety concern, it is not to be considered in terms of highways. Therefore as an advisory, the following can be considered to reduce the potential parking impact:

- Reduce/restrict hours of use (e.g. restrict opening hours of 17:00-19:00 to allow local residents to park)
- Restrict the amount of visitors to the site at any one time
- Improve sustainable travel facilities (secure, weatherproof cycle storage)

I will be recommending approval subject to the following conditions:

- Details of cycle storage and parking facilities to be submitted and agreed upon in writing. Level of provision to be agreed upon.

5.3 **SCC Sustainability Team – No comment.**

5.4 **SCC Environmental Health (Pollution and Safety) –**

**26/02/2015:** I have no objection to this application, but wish to find a suitable condition to control or prevent any breakout of music from the premises. The applicant currently states the music will be kept at a reasonable level. This is far too imprecise for a condition, in which I would wish to ensure the music is inaudible at any part of the boundary of the site. This is again difficult to condition, so we need further proposals from the applicant to control the music, and is enforceable as a condition on the application.

**26/03/2015:** There are three points to pick up in particular.

One is the noise from the Shaolin site has been predicted at the windows of the receivers, i.e. at the adjacent houses. This does not properly take into account the noise climate in the gardens of the receiver houses.

Secondly the average ambient noise ( $L_{eq}$ ) has been compared to the predicted noise level, however it appears an average ambient level has been used during the period 07:00 to 23:00. During the evening the ambient noise levels drop off to the mid to upper 30's, rather than 48 averaged over the day, so the music from the centre will become the dominant source as the evening draws in with the predicted external noise levels.

Thirdly I asked that the criteria to compare the noise from the centre to was the background  $L_{90}$  noise level, not the ambient noise level,  $L_{eq}$  so if the noise level is 10 dB below the background  $L_{90}$  noise level, the noise will be inaudible.

Of more significance is the noise level assumed in the room that the music is being played. I can't remember the applicant's description of the music level in their application, but this was to be incidental meditation music. The level assumed in this report is between 80 and 85dB(A), the sort of level that I would expect in heavy industry.

In its current form, I cannot support the conclusions of this report. If the applicant was to reduce the level of noise from their equipment assumed within this report to a level still acceptable to the applicant, to give a lower external level that can be conditioned internally, that will reduce the level of noise from the site to a level that is 10 dB below background externally, then this will be what I understand the applicant wishes to achieve.

Their noise consultant may argue that what I have set out above is too onerous, they may have an argument to some extent in some parts, but with the amount of local opposition, if the applicant wishes to continue with the levels in the report there is the risk that panel will end up refusing this application. If the resultant external noise level is 10dB below background in the evening, I shall withdraw my earlier comments and support this application in terms of noise from the music.

**01/04/2015:** We need to condition this as I suggested, to control the amplified music to a level of a 15 minute  $L_{eq}$  of 70dB(A) inside the building, and whilst the music is being played, for the windows to remain shut in the rooms the music is

being played in.

**07/03/2015:** This is the outcome I was hoping for, so yes, content for this to be conditioned.

- 5.5 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination.

Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;  
- Works - onsite.

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.

To facilitate this I recommend, if planning permission is granted, the following conditions be attached;

L001  
L010  
L015

## **6.0 Planning Consideration Key Issues**

- 6.1 The determining issues for this proposal relate to; (a) the acceptability of the principle of development; (b) the impact of the proposal on the residential amenities of any neighbouring occupiers; (c) the impact of the proposal in terms of highways safety and car and cycle parking.

### **6.2 Principle of Development**

- 6.2.1 At the current time, the application site has an industrial use falling within Class B1. Such uses are not normally compatible with residential areas given the level of noise and disturbance that is associated with them and the detrimental impact that this can have on residential amenity. This proposal seeks to establish a community use (Class D1) in this location. Community uses are intended to be used by the wider community. The proposed use would provide a facility that would benefit the local neighbourhood. It would be considered a more appropriate use for a residential area than the current industrial use and would therefore, be considered acceptable in principle.

### **6.3 Residential Amenity**

- 6.3.1 The application site is set back from Henty Road at approximately 22m, set behind



another industrial building occupied by Westway Engineering and fronting Henty Road. It is bounded to the side and rear by the rear boundaries of residential gardens serving residential properties along Clarendon Road and Shirley Park Road. A distance of approximately 22m and 14m respectively remains between the application site and the rear of the properties along these roads.

6.3.2 The community centre would be used for Shaolin and Chinese cultural activities for all ages. The activities to be undertaken would include: Shaolin Kung Fu, Tai Chi and self-defence classes in addition to wellbeing and cultural activities including meditation, calligraphy and Chinese language classes. It is anticipated that between 15 and 20 people would visit the site at any one time.

6.3.3 The applicant has indicated that the centre would operate between 09:00 and 21:30 Monday to Saturday only. It would remain closed on Sundays and Bank Holidays. More specifically, the community centre would operate as an office / headquarters for the centre between 09:00 and 16:00 Monday to Friday with Shaolin and Cultural classes and activities in operation between 17:00 and 21:30. The applicant has specified that the quieter 'wellbeing' activities would be held between 20:30 and 21:30. The specified hours of operation are considered to be reasonable. A suitably worded condition will however, be imposed to ensure that the hours of operation do not exceed these specified hours. An additional condition will ensure that only the quieter 'wellbeing' activities are undertaken between the hours of 20:30 and 21:30 in order to protect residential amenity.

6.3.4 The applicant has not indicated that they would be looking to use the external space for any of the proposed activities at any time. A suitably worded condition will however, be imposed to ensure that the outdoor area is not used in this way. Having regard to this, in addition to the separation distance with residential properties and the absence of any external alterations, this proposal is not considered likely to give rise to any adverse impacts on the residential amenities of the occupiers of nearby residential dwellings by virtue of loss of light, overbearing relationship or loss of privacy.

6.3.5 A number of representations have raised concern over the potential increase of noise and disturbance associated with the proposed community centre use. The applicant has submitted a noise report (dated 18<sup>th</sup> March 2015) to address this. Following consultation with the applicant, the Environmental Health department raise no objection to the scheme subject to a condition being imposed relating to a restriction on the volume of music being played inside the building at all times.

6.3.6 The proposed use is considered to be a more appropriate use for this location than the existing industrial use. Industrial uses tend to be noisy due to the activities associated with them. Whilst the proposed community centre would have longer opening hours than the existing use, it would be more acceptable for this location. Provided that the above conditions are imposed, the proposed use is not considered likely to give rise to any adverse impacts on the residential amenities of any adjoining occupiers. This proposal is therefore, considered to be acceptable in terms of residential amenity.

#### 6.4 Highways Safety and Parking

6.4.1 The Highways team have been consulted on this application and raise no objection with regards to highways safety.

- 6.4.2 Trips associated with a B1 use tend to be more frequent whilst trips associated with a D1 use can be less frequent but more concentrated. In this case, trips associated with the proposed use would be concentrated during the evening, between 17:00 and 21:30 as this is the time that activities would be undertaken. The applicant has indicated that between 09:00 and 16:00, the community centre would act as an office / headquarters.
- 6.4.3 No off road parking is to be provided as part of this application. The applicant has however, undertaken a parking survey to ascertain whether there is sufficient on-road parking provision for the proposed use. A total of 6 parking surveys were undertaken along Henty Road, Clarendon Road, St Edmunds Road and Shirley Park Road. These were undertaken at the following times and with the following results:
- (a) Monday 8<sup>th</sup> December at 06:54. Parking stress greatest along Clarendon Road (79.5%) but lowest along Henty Road (24.1%). Some capacity on all roads surveyed.
  - (b) Monday 8<sup>th</sup> December at 13:27. Parking stress greatest along Clarendon Road (78%) but lowest along Henty Road (24.1%). Some capacity on all roads surveyed.
  - (c) Monday 8<sup>th</sup> December at 18:05. Parking stress greatest along Shirley Park Road (56.8%) but lowest along Henty Road (17.2%). Some capacity on all roads surveyed.
  - (d) Wednesday 10<sup>th</sup> December at 06:48. Parking stress greatest along Clarendon Road (88.2%) but lowest along Henty Road (58.6%). Some capacity on all roads surveyed.
  - (e) Wednesday 10<sup>th</sup> December at 13:59. Parking stress greatest along St Edmunds Road (64%) but lowest along Henty Road (17.2%). Some capacity on all roads surveyed.
  - (f) Wednesday 10<sup>th</sup> December at 19:11. Parking stress greatest along Shirley Park Road (76%) but lowest along Henty Road (20.7%). Some capacity on all roads surveyed.
- 6.4.4 The above information indicates that there is sufficient on road parking provision to serve the proposed development. The parking surveys were undertaken at a range of times and provide an indication of the level of parking which would be available during the evenings when it is likely that parking demand would be the greatest. Having regard to this information, it is considered that no loss of amenity would occur as a result of the proposed development.
- 6.4.5 In addition to a parking survey, the applicant has produced a travel plan for users of the community centre. This includes the following:
- (a) Driving directions for the proposed community centre.
  - (b) Details on local car parks that can be used. Visitors are advised to use the Marlborough Road pay and display car park. This is approximately a 4 minute walk from the application site.
  - (c) Details of cycle storage for those travelling by bike.
  - (d) Information on coach services.
  - (e) Information on bus services.
  - (f) Information on rail services.
  - (g) A discount for those using public transport or cycling to the site.

- 6.4.6. From the information above, it is clear that the applicant is willing to encourage users to travel to the site using more sustainable means.
- 6.4.7 The application site is located a short walk (approximately 200m) from Shirley Town Centre. It is located within an area of moderate accessibility (Band 3) on the Core Strategy Public Transport Accessibility Levels (PTAL) map. As such, it benefits from good access to public transport services along Shirley High Street. It would therefore, be possible for visitors and employees of the proposed community centre to use public transport.
- 6.4.8 The applicant has specified that 6 cycle parking spaces would be provided. In the absence of sufficient information regarding these, a suitably worded planning condition will be imposed to ensure that the cycle storage provided is acceptable.
- 6.4.9 Having regard to the issues discussed above, it is not considered that the proposed use would give rise to an adverse impact on residential amenity in terms of car parking for nearby residents. As such, this proposal is considered acceptable.

## **7.0 Summary**

- 7.1 In light of sufficient information relating to noise and car parking, it is considered that the proposed use would be acceptable. It is also considered that sufficient measures can be implemented through planning conditions to ensure that the impact of the proposed use can be mitigated.

## **8.0 Conclusion**

- 8.1 Having regard to the issues discussed previously, it is considered that this proposal is acceptable.

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

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

### **LAUGRI for 21/04/15 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 - Cycle storage [Pre-Occupation Condition]**

The development to which this consent relates shall not be brought into use in full or in part until secure, covered space has been laid out within the for bicycles to be stored and for cycle stands to be made available for visitors to the site as specified hereunder. The cycle stores and stands hereby approved shall thereafter be retained on site for those purposes.

Reason:

To encourage cycling as an alternative form of transport.

### **4. APPROVAL CONDITION - Hours of Operation**

The site shall be closed and vacated by members of the public between the hours of 21:30 and 09:00 Monday to Saturday and at all times on Sundays and Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

### **5. APPROVAL CONDITION: SCHEDULE OF ACTIVITIES**

Between the hours of 20:30 and 21:30, Monday to Saturday, only quiet, 'wellbeing' activities including meditation, shall be undertaken unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

### **6. APPROVAL CONDITION: MUSIC RESTRICTION**

At no time shall amplified music inside the building exceed a 15 minute Leq of 70dB(A) unless otherwise agreed in writing by the Local Planning Authority. All windows and doors to the rooms in which the music is being played shall remain closed at all times while music is being played.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties and to secure wider community benefit in accordance with Policy CS11.

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

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

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

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

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

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

Reason:

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

#### **8. 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.

#### **9. 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.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS19            Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1            Quality of Development  
SDP5            Parking

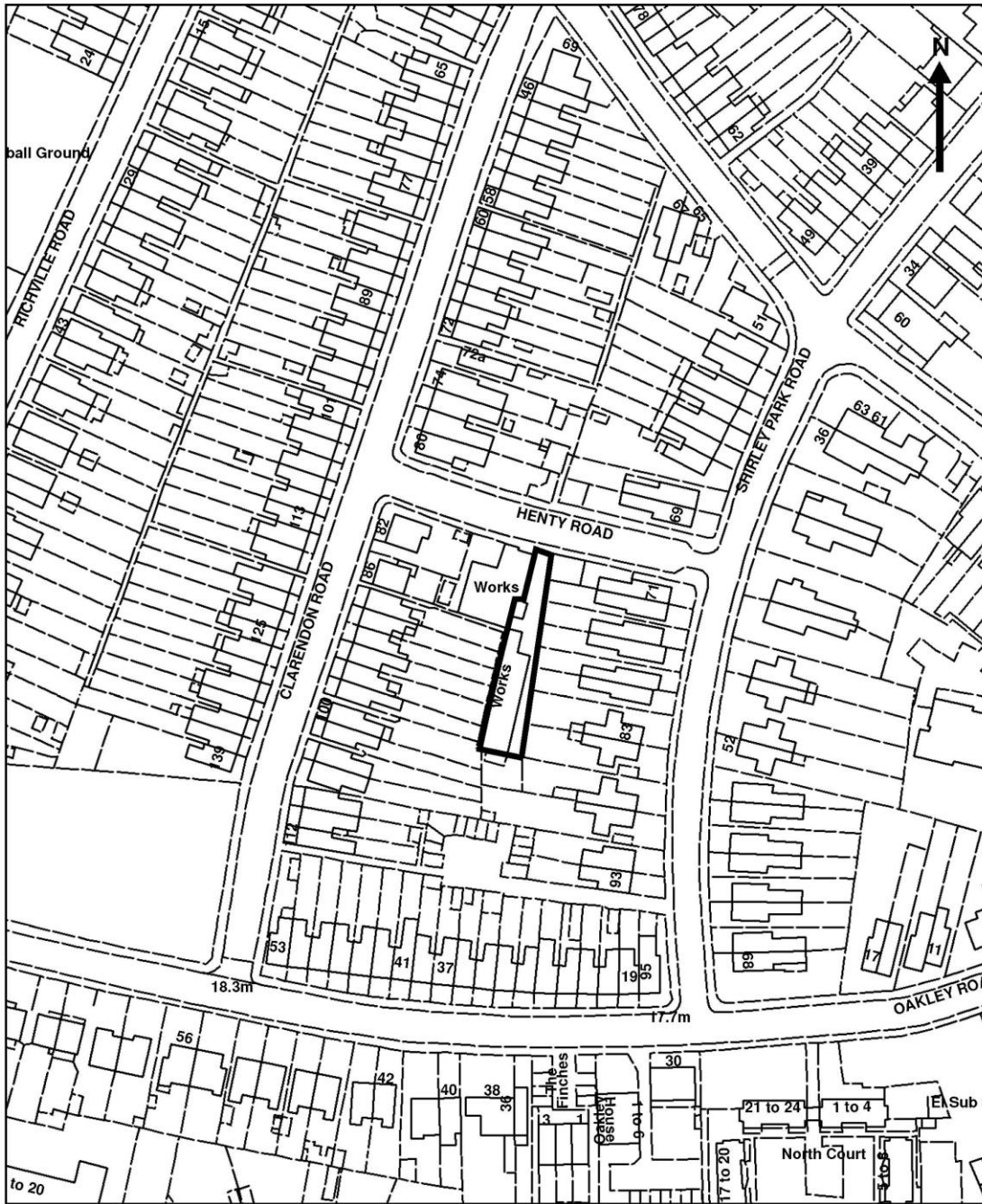
Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

# 15/00145/FUL



Scale: 1:1,250

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