

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 22 December 2015 (West)  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 32 Archers Road, Southampton			
<b>Proposed development:</b> External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and 4 x 2-bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage (resubmission)			
<b>Application number</b>	15/01663/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stephen Harrison	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	10.11.2015	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters have been received	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker
<b>Called in by:</b>	Cllr Tucker	<b>Reason:</b>	Highway Safety

<b>Applicant:</b> Brightbeech Property Ltd	<b>Agent:</b> Savills
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is considered to satisfactorily address highway safety, impact on residential amenity (noise and privacy) and the character of the area for the reasons given in the report to the Planning & Rights of Way Panel on 22<sup>nd</sup> December 2015. Other material considerations have been considered, including whether or not the scheme has evolved sufficiently to overcome the reasons for refusal placed upon LPA ref: 15/00824/FUL for a very similar scheme, and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SPD 4, SDP5, SDP11, SDP12, SDP16, H1, H2, H5 H7 and REI8 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS16, CS18,

CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the adopted Residential Design Guide SPD (2006).

<b>Appendix attached</b>			
1	July Panel Minutes (15/00824/FUL)	2	Development Plan Policies
3	Relevant Planning History		

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to:
  - a) an amended scaled plan showing the front car park with a boundary hedge to the site's Archers Road frontage - detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management. In the event that an amended plan detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management is not submitted and approved within two months of date of the decision the Planning and Development Manager be authorised to refuse permission on the ground of failure to provide appropriate boundary frontage in the context of Archers Road; and,
  - b) 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, including any necessary Traffic Regulation Orders to restrict deliveries taking place from Archers Road highway, 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);

*Note: This contribution was requested of the previous application for a similar development and its value equates to £35,500 as explained later in this report, and justified to the Planning Inspector as part of the ongoing planning appeal into the first application's refusal.*

- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iii. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- iv. The submission, approval and implementation of (i) a Construction Traffic Management Plan and (ii) post Construction Servicing Management Plan setting out the delivery times and other measures to prevent conflicts with neighbouring users of the road network so as to mitigate against the impact of development accordance with policy CS18 and CS25 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

*Note: The applicants have offered either i) above OR a financial contribution towards traffic enforcement along Archers Road and additional CCTV at Banister School to enable improved enforcement of the zig zags outside the school. The applicants*

*are also willing to contribute £5,500 towards the TRO (should it be necessary) to restrict deliveries from the Archers Rd highway.*

*The value of the applicant's alternative traffic enforcement/CCTV contribution is £23k, but is not considered by officers to meet the current Regulations as it seeks to deal with an existing highway problem rather than mitigate against the direct impacts of this scheme. The £23k contribution does not, therefore, form part of the recommended s.106 for the reasons explained in this report.*

In the event that the legal agreement is not completed within two months of date of the decision 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.

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

## **Background**

A similar proposal was reported with a favourable recommendation by officers to the Planning Panel on 14<sup>th</sup> July 2015 (LPA ref: 15/00824/FUL). This application was refused by the Panel for the reasons set out in this report at **Appendix 1** in the form of the Minutes from the July Panel meeting. The applicants have appealed this first application, applied for a full award of costs against the Council as part of this appeal, and resubmitted a second application ahead of the appeal being determined.

No decision has yet been made on the appeal but the planning system allows an applicant to reapply in advance of such a decision. The current proposal and its package for mitigation has changed, albeit the quantum, form and mix of development has not changed, and the Panel are now asked to consider whether or not the revised scheme and mitigation package has addressed their earlier concerns. It is likely that had this report not been brought to Panel that the applicants would have lodged a second appeal against the Council's non determination of this application.

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

- 1.1 The application site comprises a characterful two storey detached building, albeit with a third floor of accommodation, which has a current lawful use as a private members club with staff accommodation in the roof space. The existing building is attractive due to its turret feature and bay windows. It is to be regarded as a non-designated heritage asset for the purposes of planning. The building adds to the mixed character of Archers Road but is in need of refurbishment. There are flats adjacent on either side at Hadley Court immediately to the west and Walton Court to the east. Bannister Primary School is opposite the site. There is a large forecourt area to the front of the site and a car parking area to the rear, which is lawfully used for a private car park as spaces are leased separately from the building use. Archers Road is characterised by large detached buildings with good boundary screening from the street, including mature trees.

### **2.0 Proposal**

- 2.1 As with the earlier scheme the current application is for a change of use from a private members club to a mixed-use scheme comprising an A1 convenience store

of 424sq.m at ground floor, with 4 no.2 bed flats located at first and second floor. This equates to a density of 31 dwellings per hectare (dph). This existing private parking area to the rear is to remain and does not form part of the application site. As with the earlier scheme a total of 8 parking spaces are identified for the 4 flats, 10 parking spaces are identified for the retail use and 40 parking spaces are retained for commuter parking. The access to all the residential units is via the existing side entrance which fronts the accessway to the rear of the site. Three units are provided at first floor level with access for two units via the shared amenity space at first floor. The rear unit (no.4) no longer has a private roof terrace to the rear. The communal amenity areas will be screened to prevent overlooking between the existing and proposed residential properties. At second floor a further unit has been proposed which also has access to the shared amenity space.

- 2.2 There is a secure cycle area to the rear of the unit next to the three parking spaces and a residential refuse store is also located next to the side elevation fronting the accessway. There are minor changes proposed to the elevations which involve blocking up some windows at ground floor and first floor mainly on the side elevation to prevent overlooking and to improve the shop layout. The terraced area is also an addition but overall the property is to be refurbished to bring it back into full use.
- 2.3 10 parking spaces are proposed, to serve the retail use, via an altered vehicular entrance to provide one sole access instead of the existing dual access. Refuse storage for the store is provided to the rear. Delivery vehicles can enter and leave the site in a forward gear to enable loading and unloading. A total of 20 jobs are to be created (5 of which would be full time).
- 2.4 In terms of the current application the Panel need to be aware and consider any change in circumstances in order to be able to make an informed decision as to whether or not the current application is acceptable. These changes are detailed below but mainly seek to tackle the issue of highway safety and parking congestion along Archers Road. The form of the development is largely the same as was previously considered, with a new retail use below 4 flats following the conversion of the existing building. A slight alteration to the parking layout and the removal of a roof terrace are proposed. The applicants have offered a contribution towards parking enforcement outside the school in the hope that it addresses the Panel's previous concerns with the scheme, and the merits of this revised s.106 contribution are discussed further in this report.

### **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 2**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4.0 Relevant Planning History**

- 4.1 **Appendix 3** of this report sets out the full planning history for this site. The most relevant planning application is the recent application for 4 flats and a retail use on the ground floor that was refused at Planning Panel for the reasons set out at **Appendix 1** – LPA ref: 15/00824/FUL. This application is the subject of a current appeal.
- 4.2 Application 08/01129/ELDC sought lawful use as a private members club with an associated car park, staff accommodation at third floor and stewards recreational enclosed space at rear of building and was approved in 2008. However, the most recent application for the parking on site is the one for a lawful development certificate approved earlier this year (LPA ref: 14/02063/ELDC)

#### **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 (22.09.2015). At the time of writing the report **5 representations**, including 2 letters of support, have been received from surrounding residents.
- 5.2 *Note: The previous application received 10 representations and, where addresses were included, all interested parties have been re-notified of the revised proposals.*
- 5.3 In addition:
- 5.4 **Bargate Ward Cllr Bogle** – There are still concerns from residents locally about impact on traffic in this busy area and road safety if retail is added.
- 5.5 **Bargate Ward Cllr Tucker** – I am concerned that by allowing retail on the bottom section of the development, we are running into the same highways safety issues that occurred when Planning Panel rejected the previous application. I have personally no objection to the conversion into more private dwellings. However, I have grave concerns about the impact on highways safety that any convenience style retail would bring to this site.
- 5.6 *Note: Following further explanation of the applicant's offer towards traffic control and CCTV Cllr Tucker has advised that only with this revised contribution will his objection be satisfied and his Panel referral be removed.*
- 5.7 **Freemantle Ward Cllr Moulton** – requests that the application is referred to the Planning Panel.
- 5.8 *Note: Cllr Moulton is not a Ward Cllr although Archers Road demarks the Ward boundary between Bargate and Freemantle.*
- 5.9 **Banister School Chair of Governors** – fully supportive of the application as they do not believe the convenience store would create any additional extra traffic at drop off or pick up of the school day. Traffic control around the school will continue to be an issue and the developers offer to fund additional monitoring of the area (by CCTV and Wardens) will help to control this.

5.10 Objectors raise the following concerns:

5.11 The proposal increases the level of congestion along Archers Road and will harm pedestrian and school pupil safety. This scheme has already been rejected once and nothing has changed.

**Response**

*Noted. The current form of development is largely the same as that previously refused. The Panel will note that officers recommended that the first scheme was acceptable in highway terms and the Panel need to decide whether or not the revised/updated mitigation package detailed within this report is sufficient to address the concerns relating to highway safety. There is an existing pedestrian crossing in very close proximity to the site and the Banister School Chair of Governors is supportive of the application providing the offer of traffic enforcement and CCTV along Archers Road is secured. This does not, however, form part of the current officer recommendation as the matter of parking enforcement around Banister School should be a matter for the school and the Council to address, in consultation with the parents, rather than any third-party developer.*

5.12 Parents of the school block existing residential drives (and even park on the drive sometimes) when they are dropping off and collecting their children – having a retail store will only exacerbate this. The applicants should pay for a gate across the driveways of these affected neighbours.

**Response:**

*Concerns noted. As this is an existing situation it needs to be addressed outside of this planning application. It is not reasonable to expect the developer to contribute to fix an existing problem as the Regulations require them to mitigate against their own direct impacts only. It is unlikely that the proposed residents or customers of the shop will park on the street given the proposed on-site provision. Further discussion on this point, albeit in relation to the applicant's offer of improved traffic enforcement and CCTV, is set out in the Planning Considerations section of this report.*

**5.13 Consultation Responses**

5.14 **SCC Highways** – Previously advised that they have no objection subject to the satisfactory completion of the S106 agreement. If the level of financial contribution sought is not provided this application does not have the support of the highways team. This development, opposite the school, has triggered the need to provide additional highway safety measures. In addition conditions to secure the parking layout in line with the approved plans and details of the access point and site lines to be provided are suggested.

5.15 *Note: As part of the appeal process the Council has justified the mitigation package that is necessary to meet SCC Highway's requirements as follows:*

*'The S.106 obligation deals with the site specific impact of the development on the transport infrastructure within the immediate vicinity of the development site, relating to improving access to pedestrian, cycle and public transport linkages, from the site. In this instance the Council's Highway Team Leader has identified that the development is required to provide a contribution of £30,000 towards safety improvements in the near vicinity of the site which will include additional road markings, signage, and a minor realignment of kerbing to assist with highway safety. These works will ensure that the area near to this site is highlighted to drivers*

*that special attention is required. This will be achieved by providing carriageway markings which will help identify 'gateways', reinforced by signage, making the driver aware that they are entering an area requiring particular attention. The area of works to take place will include the pedestrian crossing to the south to ensure drivers are particularly aware of this important pedestrian provision. In addition, as the site lies on a classified road a contribution to a traffic regulation order (TRO) is asked for to create a 'no deliveries at any time' restriction on the highway near the site. The contribution for this is £5,500. These requirements are in line with policy CS25 of the adopted LDF Core Strategy (2015) and the adopted SPD relating to Planning Obligations (2013) and improves accessibility to the site for pedestrians'.*

5.16 Following further negotiations the applicants have offered either the contribution required by SCC Highways (as set out in the recommendation to Panel above) OR an alternative package of traffic enforcement including CCTV (as requested by representatives of Banister School). Either way the TRO requirement will be satisfied and deliveries from the Archers Road highway can be controlled (should it be necessary) through the TRO process.

5.17 **SCC Sustainability Team – No comment**

*Note: The retail element is below the 500sq.m threshold for securing BREEAM 'Excellent' (Building Research Establishment Environmental Assessment Methodology) and the Code for Sustainable Homes requirements are not applied to conversion schemes.*

5.18 **SCC Environmental Health (Pollution & Safety)** – No objection in principle, particularly as the intended opening hours have been reduced to provide a service for local residents rather than passing trade. The opening hours of 07.00 to 22.00 hours Monday to Sunday are supported. Additional conditions are recommended to further minimise the risk of disturbance to neighbours and residents of the upper floors.

5.19 **SCC Heritage** – no objection subject to an archaeological watching brief being secured with a planning condition.

5.20 **Southern Water** – No objection subject to an informative requiring connection to the public sewerage system.

## **6.0 Planning Consideration Key Issues**

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

- Planning Background;
- Principle of Development;
- Design and Amenity;
- Highway Safety and Parking;
- Landscaping and Tree Protection;
- Development Mitigation; and
- Alternative Options for Planning Panel

6.2 Planning Background

Whilst the current development is largely the same as previously refused the

6.3 Council has a duty to consider the current application, and the applicant has a right to have it determined. The applicant also has a right to appeal non-determination on this current case; where the Council would be asked what it would have recommended had it been given the opportunity to do so. The applicant has agreed not to appeal instead choosing to await the outcome of this Panel meeting.

6.4 In making its decision the Panel need to decide whether or not the additional justification, and any further change in circumstances, have satisfactorily addressed the earlier concerns.

6.5 As the Panel will be aware in July of this year application 15/00824/FUL for the conversion of the building to 4 flats with a convenience store was refused for two reasons (see Appendix 1), but principally because the Panel had reservations about putting a convenience store adjacent to the Banister School, which currently suffers from parking issues along Archers Road when parents need to pick up and collect their children. The reason for refusal was as follows:

1. *REASON FOR REFUSAL – Highway Safety*

*The location of the proposed convenience store close in proximity to a school would add to highway congestion at busy times, likely to result in risk to highway safety. As such the proposal is contrary to policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted LDF Core Strategy (as amended 2015).*

6.6 The applicant has appealed against this decision and both parties have exchanged written statements via the Planning Inspectorate (PINS). A site visit and PINS decision are expected in the New Year.

6.7 Since the July Panel's refusal the following events and clarification have occurred:

1. The applicants have revised their s.106 offer to include either £30k towards the highway improvement works required by SCC Highways, or a scheme of traffic enforcement works that includes an offer of £3k towards a CCTV camera at Bannister School - this would be to monitor illegal parking outside the school - and £20k to the Council towards additional traffic enforcement along Archers Road;
2. The Banister School Chair of Governors has now formally written in to support the planning application – providing the applicants offer towards traffic enforcement is secured. This follows further discussion between the applicants and the school following the earlier planning refusal;
3. The footway on the northern side of Archers Road from the eastern boundary of the school to the pedestrian crossing in the west is to be resurfaced in the Spring of 2016;
4. The Council has now agreed a TRO (associated with the recent Banister School redevelopment) for Westrow Road to introduce a no waiting restriction with a pedestrian refuge to assist with highway safety around the school. Additional parking is proposed away from the Archers Road junction to compensate for any loss – the exact timing of these works is currently unknown although the TRO last for a further 2 years;



5. SCC Highways' Partners have confirmed that the painting of the zig zags associated with the recent Banister School redevelopment, outside the school, were undertaken 18 months ago. Originally both sides of Archers Road were considered although it has since been explained that only one side is necessary. SCC Highway Partners have confirmed that the zig zag marking should not normally be placed on both sides of the road unless conditions require otherwise (e.g. school entrances on both sides, or where the road is so narrow that parking on the opposite side would be hazardous). Since there are "No waiting at any Time" restrictions on Archers Road opposite the school, the road is sufficiently wide to allow cars to drop off/pick up passengers without obstructing the road, and pedestrians crossing the road would be expected to use the nearby signalised crossing. They would not recommend an additional 'School Keep Clear' zig-zag marking on the opposite side.

6.8 Officers supported the first application, and so the Panel need to decide whether or not the above points are sufficient to overcome the previous reason for refusal imposed at the Panel meeting. Officers have reservations about the revised s.106 offer including traffic enforcement assistance to the school to assist with an existing problem, and would recommend that the initial s.106 highways package (totalling £30k with the additional TRO) is more appropriate in this case – see recommendation 1b)i above and the justification for this recommendation as set out below.

#### 6.9 Principle of Development

6.10 The application site is not allocated for development within the Council's Development Plan, but it is located within an area with other residential and non-residential premises. The proposal provides housing units on previously developed land, and the proposed residential density of 31dph is lower than the 50-100dph set out for this area in policy CS5 of the Core Strategy; partly due to the mixed use nature of the proposal and because the proposal is for the conversion of an existing building. The NPPF introduces a presumption in favour of sustainable housing development. Retaining and utilising the existing building is welcomed and the principle of the proposal is, again, generally supported. The development would create additional housing stock for Southampton as well as providing a mixed use development within this non designated heritage asset.

6.11 The loss of the private club and subsequent conversion to a residential use is not judged to amount to the loss of a community facility, and did not form a reason for refusal previously. Therefore the scheme is not contrary to paragraph 70 of the NPPF or LDF Policy CS3. The applicant also considers that the use of the club is different to a community centre where typical community use facilities are found. Officers agree. The city centre is within walking distance and it provides adequate facilities in the area for community use. The Bannister Primary School (opposite) is also party to a community use agreement, enabling dual use, as part of its permission to redevelop. The application building has not been listed as a community asset and it is also noteworthy that objectors to the scheme have not raised the loss of the facility as a significant local concern. There is little public interest in the matter to suggest that an alternative viable use should not be considered in this case.

## 6.12 Design and Amenity

- 6.13 As with the previous scheme the proposed residential flats are accessed via the side elevation adjacent to the vehicular access to the rear of the site. This arrangement does not provide the best location for a safe and convenient entrance for the development, but as this proposal is for a conversion a side access is acceptable. The existing building is retained and only slightly altered by blocking existing windows, but these changes do not detract from the attractive nature of the building. All residential flats have access to the shared amenity space in the form of a first floor roof terrace of approximately 70sq.m. In reality the 2 flats with windows fronting the roof terrace are likely to take ownership of this space.
- 6.14 With regard to the accommodation provided all rooms have an outlook and adequate light, and all units have access to the shared amenity space and the cycle and refuse storage provided.
- 6.15 In terms of the impact on the neighbouring residential amenity, although the proposal may have an impact on the occupiers of Walton Court, particularly as the privacy distance falls short of the distance set out in the guidance, only one habitable window faces the development at the nearest point. The impact is not, therefore, a significant one and wasn't used as a reason for refusal previously. This window serves a proposed kitchen area and is at first floor level. It looks out onto a blank wall but may have obscure views into the bedroom windows on that part of Walton's Court side elevation. This window is secondary and could be obscured if necessary although for the reason given this is not considered to be necessary. The rest of the habitable windows at first floor will be screened by the terrace screening preventing any overlooking. There are no habitable windows at second floor facing Walton Court. With respect to rear the nearest properties on Cromwell Road are over 60 metres away. The amenity of the existing neighbour at 34 Archers Road will not be affected by the proposed changes as only two obscured glazed windows face the side elevation of this property. In this respect the scheme complies with Local Plan Policy SDP1(i).
- 6.16 As such, officers support the reuse of this existing building and the applicant's handling of the constraints that such an approach brings. The design changes are minimal but making more efficient use of the building is a sustainable solution. The scheme is considered to meet the design and amenity requirements of the current development plan for the reasons set out above. The Panel will note that design and residential amenity did not form a reason for refusal on the previous application. Since then a rear terrace has been removed thereby improving an already acceptable design solution.

## 6.17 Highway Safety and Parking

- 6.18 This is perhaps the key issue in this case. Archers Road is a classified public highway and high volumes of traffic use this route. Queuing traffic at peak times is normal. Bannister Park Primary School, located on the opposite side of the road, does add to peak time congestion. There is a pedestrian traffic light controlled crossing to the west of the site, which benefits the school, and other local pedestrians cross away from the traffic signals at the next junction to the east at Carlton Road. Works are proposed to improve the pedestrian environment around the school as part of the S.106 associated with its redevelopment. These works have not yet been fully implemented.

- 6.19 As the Panel is aware, the school has encountered problems historically with parents parking nearby at the start and end of the school day. It is difficult to conclude that this proposal will exacerbate this current situation further and it is hoped that the School's existing travel plan will raise awareness of the issues and improve the situation. That said, the earlier scheme was considered by Panel to aggravate highway safety in the locality and the Council is currently defending an appeal on this basis following its earlier refusal.
- 6.20 To the rear of the application site there is an authorised car park for some 40 vehicles, and the site is subject to a number of existing turning movements during the morning peak. These do not seem to have contributed to any reported road traffic incidents. The application scheme will generate turning movements throughout the day, although it is normally traffic passing by which uses a convenience store such as this, rather than the site generating additional trips along this road.
- 6.21 Local residents have raised concerns that parents may use the car park to drop off and pick up pupils, but this is something the end user of the site will need to self-manage, as the Local Planning Authority has no control over this. It is possible that some children, when leaving school, or starting school, may wish to use the shop, either accompanied by parents or on their own; should this be the case there is a pedestrian controlled crossing available for their use outside of the school.
- 6.22 There is a concern that delivery vehicles may be inclined to stand on the highway to deliver. The application does demonstrate that delivery vehicles are able to turn on site and make their deliveries from a designated loading area. To support this requirement a Traffic Regulation Order is. If approved and implemented this will prevent deliveries from occurring at the roadside at any time and enforcement would then be possible. The TRO cannot be guaranteed until the order is decided but is strongly supported by SCC Highways. As with the earlier scheme this requirement falls within the proposed Section 106 Legal Agreement. A planning condition is also recommended to secure deliveries take place as proposed (ie. to the rear of the building). The applicants have suggested informally that the TRO contribution should only be used if a problem arises, and that in the event that there is no issue within the first 5 years that the monies will be refunded. Based on their experience of other convenience stores of this nature the Council's Highways Team disagree. They propose, instead, to implement the TRO immediately so as to ensure that enforcement is possible from first use. If approved the S.106 wording will reflect this position in favour of the applicant's offer.
- 6.23 The main issue for the Panel concerns the applicant's revised 'either/or' S.106 offer and whether or not either highway package satisfies their concerns. The merits of both are discussed in the 'Development Mitigation' section of this report. As with the first scheme the proposed scheme, including a highway safety package required by SCC Highways, is considered by officers to have addressed the highway safety issues arising from introducing a mixed-use development opposite an existing school. This does not seek to remedy an existing problem caused by the school use opposite.
- 6.24 In terms of the proposed parking the scheme provides 2 parking spaces per flat and 10 spaces for the retail unit. Both are policy compliant with the residential use achieving the maximum requirement. A parking stress survey has not been requested – and was not requested previously by officers or the Panel - as Archers

Road is currently enforced with double yellow lines and nearby streets are the subject of controlled parking zones. These are located some distance from the site where residents are unlikely to choose to leave their cars. Given the sustainable location of the scheme the proposed level of parking to serve all uses is deemed to be acceptable.

6.25 Landscaping and tree protection

6.26 The character of area of Archers Road includes hedging to front boundaries. Currently this site's front area is open apart from a low brick wall. This site and street scene would be improved by the inclusion of a landscaping boundary to reduce the harsh appearance of the hard standing area to the front of the proposed store. The officer recommendation above is subject to the provision of plan showing a landscape boundary as the site's appearance would be greatly enhanced by this feature. There are trees on site but they are located away from where the main works are proposed. In order to protect these trees, and the trees located on the boundary on the adjacent sites, a condition is suggested.

6.27 Development Mitigation

6.28 Due to the size of the convenience store (423sq.m) and the provision of new residential accommodation the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Highway safety measures are required to mitigate against the change in nature of the area between this site and the school opposite. In addition the scheme triggers the Community Infrastructure Levy (CIL).

6.29 Part 11 of the Community Infrastructure Levy Regulations 2010 require all planning obligations secured through the S.106 process to meet the following tests:  
(a) necessary to make the development acceptable in planning terms;  
(b) directly related to the development; and  
(c) fairly and reasonably related in scale and kind to the development.

6.30 The above recommendation to the Panel includes the requirement for a site specific highway contribution of £30k that relates specifically to the application site and the delivery of 4 flats and a convenience store. Officers are satisfied that this requirement meets the CIL Regulations. Failure to secure this contribution would result in an objection to the application from SCC Highways as this contribution is needed to satisfy their highway safety concerns.

6.31 It is officer's opinion that the applicant's alternative offer of £23k towards CCTV and traffic enforcement of parents parking on the zig zags outside of Banister School is not necessary to make this development acceptable in planning terms, and is not directly related to the development for 4 flats and a convenience store. It is not reasonable for new development to be expected to solve existing highway safety problems. The existing problems with parking in the vicinity of Banister School 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 their children to this school choosing instead to use the dedicated pedestrian crossing that links the school to the application site. As such, officers do not consider that it is fairly and reasonably related in scale and kind to the development and the applicant's alternative offer is, therefore, not CIL compliant. The Panel may take a different view and it is noted that both the School and Ward Cllr Tucker would, likely, support

the scheme if the alternative offer were accepted and implemented.

6.32 In addition to this officers feel that there are too many unresolved questions associated with taking monies towards local traffic enforcement and CCTV. For instance, it is unclear whether or not Banister School would be party to the S.106 to enable the installation and subsequent monitoring of the CCTV on their site and by them. It is also unclear how any footage could be used for enforcement purposes or where on the school building the camera could be located to achieve the necessary images. It is also unclear how the £20k contribution towards traffic enforcement has been arrived, whilst noting that discussions have taken place with the school. Any offer for traffic enforcement to resolve the Panel's issue with siting a convenience store close to an existing school would need to be for the lifetime of the development in order for it to deal with the problem effectively. It is unclear how the £20k offer would provide sufficient traffic enforcement for the lifetime of the development.

6.33 With the outstanding issues identified, and the requirements of the CIL Regulations, officers are minded to recommend that the scheme is better served by the original S.106 package as required by SCC Highways. The above recommendation is made on this basis and is, therefore, the same recommendation as was made to the Planning Panel in July 2015 for application 15/00824/FUL.

6.34 On a separate matter, 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. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.35 Alternative Options for Planning Panel

6.36 As with every recommendation involving a planning application the Planning Panel may decide that the officer's recommendation does not address their highway safety concerns raised when the earlier application was considered. As the current recommendation, as set out above, is largely the same that was made for the same development in July (prior to the application being refused) it would again be legitimate for the Panel to choose, therefore, not to support the above recommendation. With the pending appeal in place officers feel that a number of alternative options should therefore be clarified to assist the Panel:

- 6.37 • *Approve – Alternative Highways S.106 – Option a*  
The Panel may decide not to support the current recommendation, but consider that with the additional information regarding current proposals for highway works in the vicinity and the offer of £23k towards CCTV and traffic enforcement, the scheme is now acceptable. If this is the case an alternative S.106 could be drafted and planning permission issued on this basis. It should be noted that this options results in a highway safety objection from SCC Highways as their £30k towards works to mitigate the development itself would not be delivered. The Panel would also need to include the TRO to the value of £5,500.
- 6.38 • *Approve – Alternative Highways S.106 – Option b*  
Alternatively, the Panel may decide that the £30k site specific highway works are required alongside the £23k CCTV/traffic enforcement offer and could make a decision on this basis. The Panel would also need to include the TRO to the value of £5,500 with this option. The applicants have indicated informally that this option is not acceptable and that any s.106 on this basis would not be entered into meaning that the scheme would most likely end up at a second appeal with the Council having to justify both contributions be reasonable and necessary.
- 6.39 • *Refuse*  
The Panel could decide that the application has not changed sufficiently and that there has not been a significant change in local circumstances. The application still proposes to locate a convenience store close to a school with localised highway safety concerns. If this is the case the Panel could chose to acknowledge the revised s.106 offer made by the applicants but refuse the planning application using the same reasons for refusal as 15/00824/FUL. The applicants would then have a right of appeal.
- 6.40 • *Defer Consideration*  
Finally, the Panel could decide that as the previous and current schemes are largely similar they would prefer to defer determination of this second application and await clarity from the Planning Inspector on the issue of highway safety. As evidence on this first appeal has been exchanged it is likely that a decision would be made early in the New Year. With this option it would be important to acknowledge the alternative S.106 package offered by the applicants, and confirm that in the event that the applicants chose to appeal non-determination on this second application (and in the absence of the PINS decision on the first appeal) that the Council would stand by its previous highway safety concerns despite the offer of traffic enforcement and CCTV provision at the school.
- 6.41 The applicants are considering whether or not they will withdraw their appeal and application for costs following a favourable resolution at this Panel and an update may be given at the meeting.

## **7.0 Summary**

- 7.1 This planning application for 4 flats and a convenience store at 32 Archers Road is largely the same as an earlier application that the Planning Panel refused on highway safety ground in July 2015.
- 7.2 As officers had no objection to the first scheme this planning application has again be recommended for approval. Officers will continue to defend the Council's refusal of the first application at the planning appeal.

7.3 The applicants have provided further clarity on local highway improvements in the area and have revised their S.106 package, following discussions with representatives of Banister School. It is noted that both Cllr Tucker, Cllr Moulton and the school could support the scheme if the revised s.106 offer of £23k towards CCTV and traffic enforcement around the school were secured.

7.4 The recommendation set out above does not support the revised s.106 package for the reasons outlined in the report, and it is for the Panel to decide whether or not their earlier highway safety concerns could be addressed in light of this fresh information with improved traffic enforcement of parents using Archers Road to drop off and pick up from Banister School.

## **8.0 Conclusion**

8.1 This application is recommended for approval subject to securing the matters set out in the recommendations section of this report and the conditions set out below

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

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

### **SH for 22/12/2015 PROW Panel**

## **PLANNING CONDITIONS**

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

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

Reason:

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

### **02. APPROVAL CONDITION - Materials to match [Performance Condition]**

The materials and finishes to be used for the infilling windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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 building of high visual quality and satisfactory visual relationship of the new development to the existing.

### **03. APPROVAL CONDITION - Hours of Use – A1 use [Performance Condition]**

The shop unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Sunday and recognised public holidays  
07.00 hours to 22.00 hours (07.00am to 10.00pm)

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

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and as requested by the Council's Environmental Health Officer in recognition of the potential impact of a late night use.

*Note to Applicant:*

*The deliveries of goods to the retail unit (including timing to prevent conflict with peak hour traffic and the start and end of the school day) shall be controlled through the S.106.*

#### **04. APPROVAL CONDITION – Car parking layout & Servicing**

Prior to the first occupation of the development the car parking area and delivery area shown on approved plans shall be provided, surfaced and marked out as approved. Thereafter they shall be retained in perpetuity in line with the approved plan unless otherwise agreed in writing by the Local Planning Authority. In particular:

The 8 parking spaces shall be retained as agreed for the approved residential use and their visitors.

The 10 parking spaces shown to the front of the building shall be retained as agreed to serve the approved retail use

The retail unit shall take all deliveries from the approved compound to the rear of the site as indicated on the approved plan and no associated deliveries to this development shall take place from stationary vehicles parked on Archers Road

Reason:

In the interest of highway safety and to secure appropriate parking and servicing to the development.

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

Notwithstanding the approved plans prior to the commencement of the development further details of the the access alignment (including sight lines) and its construction are to be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in line with the details to be approved. Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

In the interest of highway safety.

#### **06. 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 whilst the building is used for residential / commercial purposes.



Reason:

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

**07. APPROVAL CONDITION - Litter bin [Performance Condition]**

Litter bins shall be provided on the site and made available for use for the customers of the shop unit hereby approved during trading hours. These bins shall be managed by the commercial operators of the approved retail unit.

Reason:

To prevent littering in the surrounding area.

**8. APPROVAL CONDITION - Cycle storage facilities**

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be submitted to and be approved in writing by the Local Planning Authority and be provided within the site before the use hereby permitted is occupied. All storage shall be permanently maintained for that purpose.

Reason:

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

**9. APPROVAL CONDITION – Amenity space screening height [Pre-commencement Condition]**

Prior to the commencement of development further details of the amenity space/terrace area screening shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall provide details of materials and design for screening to a minimum height of 1.8m. The approved scheme shall be implemented and retained in accordance with the approved plan prior to the first occupation of the residential use unless agreed otherwise by the Local Planning Authority.

Reason:

Prevent loss of privacy and amenity to neighbouring property

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

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the residential use hereby permitted and shall be retained with access to it at all times for the use of the flat units. The flat roof area to the rear of the building shall not form a private roof terrace for Unit 4 as was previously proposed under LPA ref: 15/00824/FUL.

Reason:

To ensure the provision of adequate amenity space in association with the approved flats and to retain the privacy and amenity of neighbouring residents.

**11. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**12. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]**

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other cooling and condenser units serving the ground floor commercial use have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

**13. APPROVAL CONDITION - Noise & Vibration (internal noise source) [Pre-Commencement Condition]**

The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise (noise includes vibration) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The building shall be designed and maintained so that doors and windows can be kept shut, with alternative means of ventilation provided.

Reason:

To protect the amenities of the occupiers of existing nearby properties and prospective residents.

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

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

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

**15. 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.

**16. 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.

**17. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

**18. 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.

**19. APPROVAL CONDITION – Existing Openings**

Those windows marked on the approved plans as being either bricked up in a matching brick with a recess or fitted with obscured glazing shall be changed prior to the first occupation of the development hereby approved. The building shall remain as approved.

Reason:

In the interests of protecting residential amenity and to secure an appropriate finish to the building's conversion

**20. APPROVAL CONDITION – Active window frontage**

The ground floor retail unit shall retain an active ground floor window frontage to Archers Road without the installation of window vinyls, graphics, shuttering or any other form of design that prevents views into and out of the shop in accordance with a scheme that shall have been agreed in writing with the Local Planning Authority ahead of the first occupation of the retail unit. The retail unit's fenestration shall be retained as agreed.

Reason:

In the interests of visual amenity and to ensure some natural surveillance of the associated car park and wider streetscene.

**21. APPROVAL CONDITION ' Archaeological watching brief [Pre-Commencement Condition]**

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

Reason:

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

**22. APPROVAL CONDITION ' Archaeological watching brief work programme [Performance Condition]**

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

Reason:

To ensure that the archaeological investigation is completed.

**23. APPROVAL CONDITION - 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.

**24. 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.

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.

*External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and four x two bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage.*

Councillors Moulton and Shields (Ward Councillors/objecting), Ms Dineen (Local Resident/objecting) and Mr Beavan (Applicant) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amendment to Condition 11 and an additional paragraph to Recommendation 1 set out in the report as detailed below:

Changes to Recommendation 1

Add paragraph in bold below under the following section of the report;

In the event that the legal agreement is not completed within two months of date of the decision 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.

**In the event that an amended plan detailing the species, planting density and height of hedging to be installed with a commitment to ongoing management is not submitted and approved within two months of date of the decision 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.**

Amended Condition

APPROVAL CONDITION - No other windows or doors other than approved

[Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**RESOLVED** to refuse planning permission for the reasons set out below:

Reasons for Refusal

#### **1. REASON FOR REFUSAL – Highway Safety**

The location of the proposed convenience store close in proximity to a school would add to Highway congestion at busy times, likely to result in risk to highway safety. As such the proposal is contrary to policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review (as amended 2015) and policy CS19 of the adopted LDF Core Strategy (as amended 2015).

**2. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.**

In the absence of a Section 106 Agreement the development fails to mitigate its impact in the following areas:

- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including any necessary Traffic Regulation Orders to facilitate any changes, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- (ii) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- (iii) Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iv) The submission, approval and implementation of (i) a Construction Traffic Management Plan and (ii) post Construction Servicing Management Plan setting out the delivery times and other measures to prevent conflicts with neighbouring users of the road network so as to mitigate against the impact of development accordance with policy CS18 and CS25 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).

*This reason for refusal could be resolved when an acceptable scheme is presented to the Local Planning Authority*

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
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 – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment
REI8	Shopfronts

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)



**Application 15/01663/FUL  
Relevant Planning History**

**APPENDIX 3**

- 05/01272/FUL Conditionally Approved 13.10.2005  
Erection of raised decking area to the front elevation (retrospective).
- 05/00370/FUL Conditionally Approved 02.06.2005  
Installation of folding doors to the front elevation
- 06/00740/VC Refused 12.07.2006  
Variation of condition 3 of Planning Permission 05/00370/FUL to extend the times the bi-fold doors remain open from 20.00 hrs until 22.00 hrs, Monday to Sunday.
- 07/01371/FUL Refused 30.10.2007  
Retrospective application for raised decking area at the rear of the property with balustrade to south elevation and privacy screen fencing to east and south-east elevations.
- 08/01129/ELDC Granted 17.10.2008  
Lawful use as private members club with associated car park, staff accommodation at third floor and stewards recreational enclosed space at rear of building.
- 14/02063/ELDC Granted 09.02.2015  
Application for a lawful development certificate for the existing use of the private car park
- 15/00824/FUL Refused 20.07.2015 –  
Appeal pending  
External alterations to facilitate conversion of existing private members club into retail (class A1) on ground floor and 4x 2-bed flats on first and second floor, with roof terraces, parking and cycle/refuse storage
- 15/01604/DPA Objection 02.09.2015  
Application for prior approval for the proposed method of demolition of existing building  
REASON FOR DECISION - Lack of Information  
The detail submitted regarding the proposed demolition fails to satisfy the Council's concerns regarding the method of demolition or how the land will be reinstated after the demolition has been completed as required under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 As such, in this instance PRIOR APPROVAL IS REQUIRED AND REFUSED for the following reasons as the submission fails to provide sufficient detail:
1. Archaeological remains  
No mention of archaeology is set out in the plan. The site lies in an area of Local Areas of Archaeological Potential. No details have been submitted to indicate how works to the concrete slab and foundations are to be undertaken without resulting in damage to any potential archeologically remains.
  2. Bat surveys  
The building contains a number of gaps and holes that could provide access points for bats. No bat survey information has been provided and due to the potential access points, the presence of known bat roosts further along Archers Road, and suitable foraging habitat around the site two emergence surveys need to be undertaken prior to any approval for demolition being granted.

### 3. Demolition Method

The submitted method statements do not, in the opinion of the Local Planning Authority, provide sufficient detail. For instance:

- o Details of how demolition/servicing/construction vehicles are managed/parked with confirmation that at no times shall any vehicles be parked on the public highway, and
- o Details of wheel cleaning facilities to be provided to avoid harmful impact onto the public highway.

### 4. Tree preservation Orders:

Insufficient details have been submitted as to how the demolition of the building is to be undertaken without causing harm to the trees within the site including the copper trees which are protected by Tree Preservation Orders.

#### *Note to Applicant*

1. *The applicant is advised that the proposed means of demolition and reinstatement of the site are insufficient. In terms of proceeding it is recommended that either a further prior approval application or a planning application for these works is submitted for consideration.*
2. *If bat roosts are present a European Protected Species License will be required before demolition can take place.*