

Planning and Rights of Way Panel

Tuesday, 21st December 2010
at 9.30 am

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry (Chair)
Councillor Jones (Vice-Chair)
Councillor Letts
Councillor Mead
Councillor Osmond
Councillor Slade
Councillor Thomas

Contacts

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PUBLIC INFORMATION

Terms of Reference

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

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Six Priorities

- Providing good value, high quality services
- Getting the City working
- Investing in education and training
- Keeping people safe
- Keeping the City clean and green
- Looking after people

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

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

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

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

Dates of Meetings: Municipal Year 2010/11

2010	2011
25 May 2010	18 January 2011
22 June	15 February
20 July	15 March
17 August	12 April
31 August	
28 September	
26 October	
23 November	
21 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

Disclosure of Interests

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

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter:

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - any employment or business carried on by such person;
 - any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

/Continued...

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

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

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meeting held on 23rd November 2010 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 12:00 NOON IN THE COUNCIL CHAMBER

5 LAND AT FIVE ACRE FIELD, REDBRIDGE LANE - 10/01283/R3CFL

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

ITEMS TO BE HEARD BETWEEN 13:00 PM TO 13:45 PM
IN COMMITTEE ROOMS 1 AND 2

6 LAND TO THE REAR OF 6 AND 7 CRANBURY TERRACE, SO14 0LH

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

ITEMS TO BE HEARD BETWEEN 13:45 PM TO 14:30 PM
IN COMMITTEE ROOMS 1 AND 2

7 5 NORTHWOOD CLOSE SO16 3QJ - 10/01311/FUL

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

ITEMS TO BE HEARD BETWEEN 14:30 PM TO 14:50 PM
IN COMMITTEE ROOMS 1 AND 2

8 UNIT 23, MOUNTBATTEN BUSINESS CENTRE, MILLBROOK ROAD EAST
SO15 1HY - 10/00994/FUL

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

Monday, 13 December 2010

SOLICITOR TO THE COUNCIL

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 23 NOVEMBER 2010

Present: Councillors Fitzhenry (Chair), Jones (Vice-Chair), Letts (except items 94 and 95), Mead, Osmond and Thomas (except items 93, 94 and 95)

Apologies: Councillor John Slade

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

RESOLVED that the Minutes of the meetings held on 28th September 2010 and 26th October 2010 be approved and signed as a correct record.

CONSIDERATION OF PLANNING APPLICATIONS

Copy of all reports circulated with the agenda and appended to the signed minutes.

85. **CEDAR PRESS LTD, ROYAL CRESCENT ROAD - 08 01791 FUL**

Re-development of the site to provide a 100 bedroom hotel and 122 flats (65 x one bedroom, 51 x two bedroom and 6 x three bedroom) in a 25 storey building with associated landscaping, parking and access

Mr Sayle (Agent) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION IN CONJUNCTION WITH THE SECTION 106 LEGAL AGREEMENT COMPLETED 7TH SEPTEMBER 2010, WAS CARRIED

RECORDED VOTE:

FOR: Councillors Fitzhenry, Jones, Mead, Osmond and Thomas

ABSTAINED: Councillor Letts

RESOLVED that conditional planning approval be granted subject to:-

- (i) the conditions as previously agreed by the Planning and Rights of Way Panel on 26th May 2009 and the additional conditions below; and
- (ii) in conjunction with the Section 106 legal agreement completed 7th September 2010.

Additional Conditions:

30 – Balcony Details

Prior to any development commencing, detailed plans of the balcony details shall be approved in writing with the Local Planning Authority at not less than 1:20 scale which include under balcony supports, hand-rails and the relationship of the glazed balcony

finish with cladded balcony finish. The development shall proceed in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the development is undertaken in a satisfactory manner.

31– Material Treatment of Balconies

Notwithstanding the plans approved, prior to the commencement of the development a schedule of the material treatment of the balconies shall be submitted to the Local Planning Authority for approval in writing. The details shall include reversing the areas of glazed balconies with the areas which have clad with Rockpanel finish. The development shall proceed in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of the visual amenity of the development.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The principal of a tall building in this location, the relationship to the adjacent Conservation Area and Listed Buildings, and the potential for influencing the ecology of the area have been assessed as acceptable and appropriate in relation to this scheme. Notwithstanding the concerns raised by English Heritage, the development would make a positive addition to the Southampton Skyline and the amendments to the balconies as secured by planning condition would improve the appearance of the building. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE1, HE3, CLT1, CLT5, CLT6, H1, H2 and MSA1 of the City of Southampton Local Plan Review Adopted Version (March 2006). Policies CS1, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

86. 14 WESTWOOD ROAD - 10/01013/FUL

Retrospective application for change of use from a single dwelling house (Use Class C3) to a 9-bed House in Multiple Occupation (Sui Generis) and a 5-bedroom House in Multiple Occupation (Use Class C4)

Mrs Barter (Local Resident) and Mr Claisse (Highfield Residents Association) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Letts, Mead, Osmond and Thomas

ABSTAINED: Councillor Fitzhenry

RESOLVED that planning approval be granted subject to the conditions in the report and the amended conditions set out below.

Amended Conditions

3 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details within one month of the date of this consent, a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority which includes:

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

5 – Restriction on number of occupiers

The Sui Generis House in Multiple Occupation (HMO) shall only be used for a maximum of 9 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority and the Use Class C4 HMO shall only be used for a maximum of 6 residents and for no other purpose unless otherwise agreed in writing by the Local Planning Authority. The communal lounges and kitchens as shown on the plans shall be retained for the communal use of the occupants of the properties.

REASON:

To define the planning permission and to ensure that the HMO meets Council's standards.

REASONS FOR THE DECISION

The development has been assessed as being acceptable to residential amenity and its local residential context taking into account the policies and proposals of the Development Plan as set out below. Other material considerations do not have sufficient weight to justify a refusal of the application for the reasons given in the report to the Planning and Rights of Way Panel on the 23 November 2010. The proposal would not harm the character or amenity of the area and the level of car parking is acceptable. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP7 and H4 of the City of Southampton Local Plan Review - Adopted March 2006. Policy CS16 of the Local Development Framework Core Strategy - January 2010.

87. **5 NORTHWOOD CLOSE - 10/01311/FUL**

Addition of a new first floor to the existing building to facilitate conversion into 1x3-Bed and 3x2-Bed Flats with associated parking and cycle/refuse storage (description of development amended following amended plans received on 18th November 2010)

Mr Foster-Rice (Agent) Mr Moied (Applicant), Mr Tucker (Local Resident) and Councillors Harris and Samuels (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The Panel noted the revised officer recommendation, to delegate authority to the Planning and Development Manager to grant conditional permission upon the expiry of the reconsultation period provided that no new material considerations were raised, owing to the decision to reconsult following the submission of amended plans resulting in a material change to the description of development representing a lesser form of development in terms of the mix of accommodation.

UPON BEING PUT TO THE VOTE THE AMENDED OFFICER RECOMMENDATION THAT AUTHORITY BE DELEGATED TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION PROVIDED THAT NO NEW MATERIAL CONSIDERATIONS ARE RAISED DURING THE 14 DAY RECONSULTATION PERIOD, WAS CARRIED WITH THE CHAIR'S SECOND AND CASTING VOTE

RECORDED VOTE:

FOR: Councillors Fitzhenry, Letts and Thomas
AGAINST: Councillors Jones, Mead and Osmond

RESOLVED that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- (i) the conditions in the report and the amended and additional conditions set out below; and
- (ii) no new material considerations following 14 day re consultation period.

Amended Conditions

4 - Amenity Space Access

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 development hereby permitted and shall be retained with access to it at all times for the use of the flat units numbered 3 and 4, except for the external private amenity spaces allocated to the flat units numbered 1 and 2 in accordance with the approved plans received by the Local Planning Authority on 18th November 2010.

REASON:

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

5 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, for approval in writing by the local planning authority, which includes:-

- (i) car parking layouts; other vehicle pedestrian access and circulation areas;
- (ii) hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (iii) details of any proposed means of enclosure/boundary treatment, including retaining walls;

The approved details for the whole site shall be carried out prior to occupation of the building and thereafter be retained whilst the building is used for residential purposes.

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 (as amended).

12 - Storage / Removal of Refuse Material

The development hereby approved shall not be occupied until the provision has been made in accordance with the approved plans for refuse and recycling storage and collection area accessible with a level approach has been provided, including accommodation and provision of separate bins for the separation of waste to enable recycling. The refuse storage and collection area shall thereafter be retained whilst the building is used for residential purposes in accordance with the approved refuse management plan received by the Local Planning Authority on 18th November 2010.

REASON:

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

13 - Cycle parking

The development hereby approved shall not be occupied until provision has been made within the site in accordance with approved plans for covered, enclosed and secure bicycle parking to provide for a minimum of 4 bicycles with the installation of Sheffield style stands and such space shall not thereafter be used other than for the purposes for which it is provided.

REASON:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

Additional Conditions

15 - Glazing panel specification

The window in the side elevation of flat 3 hereby approved [to the room indicated as bathroom] shall be glazed in obscure glass and shall only have a top light opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

REASON:

To protect the privacy enjoyed by the occupiers of the adjoining property.

16 - Replacement trees

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement tree for every single tree removed, unless it is agreed otherwise with the Local Planning Authority that there are sound arboricultural management reasons for not replacing trees on that basis.

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

REASON:

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

17 - Accommodation mix

The mix of accommodation hereby approved shall remain as shown on the approved plans, and at no time shall the number of bedrooms in each unit shall be intensified. In particular, Flat 3 shall only have a maximum of 2 bedrooms in accordance with the applicant's email dated 22nd November 2010.

REASON:

Because Policy CS16 of the City of Southampton's Core Strategy (January 2010) requires 3 bedroomed dwellings to have direct access to their own private amenity space, which cannot be provided for flat 3 and also in the interests of protecting the residential amenity of the neighbouring occupiers from intensified use of the site.

18 – Contractors' Compound

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.

19 - Construction Environment Management Plan

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

REASON:

To protect the amenities of the occupiers of existing nearby properties and trees covered by the Tree Preservation Order covering the site.

20 - Wheel Cleaning Facilities

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.

21 - Hours of work for Demolition / Clearance / Construction

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.

22 – Access to Bassett Green Road

The development hereby approved shall not be occupied until details have been submitted and agreed in writing with the Local Planning Authority to stop up the existing access onto Bassett Green Road and thereafter implemented in accordance with the agreed details. No other means of access shall be provided to the site other than the existing access from Northwood Close.

REASON:

In the interests of providing a secure residential environment for the future residents, and protect the highway safety of the users of Bassett Green Road.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The design and scale of the development responds successfully to the context and character of the immediate area. It results in no net loss of a family home by providing a unit suitable for family occupation with an additional mix of housing types, which make a positive contribution to the mix of housing available within this location. It also provides an appropriate residential environment for future occupants of the site without adversely affecting the residential amenity of neighbouring dwellings. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' Policies - SDP1, SDP5, SDP7, SDP9, H1, H2, H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

88. HARCOURT MANSIONS, WHITWORTH CRESCENT - 10/00965/FUL

Redevelopment of the site. Erection of a part 3-storey part 2-storey building comprising 3x2-bed houses, 1x3-bed house and 3x2-bed flats with associated parking and cycle/refuse storage

Mr Reay (Agent) and Mrs Simmons (Thekchen Buddhist Centre) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 LEGAL AGREEMENT WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-

- (a) the conditions in the report, the amended and additional conditions below;
- (b) the applicant entering into a Section 106 Legal Agreement to secure:
 1. a financial contribution towards the provision of public open space in accordance with Policy CS25 of the Core Strategy (January 2010), Policy CLT5 of the adopted City of Southampton Local Plan and applicable SPG;
 2. a financial contribution towards the provision of a new children's play area and equipment in accordance with policy Policy CS25 of the Core Strategy (January 2010), Policy CLT6 of the adopted City of Southampton Local Plan and applicable SPG;
 3. provision of affordable housing in accordance with LDF Core Strategy Policy CS15;
 4. site specific transport obligation for highway improvements in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
 5. a financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
 6. a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (ii) that the Planning and Development Manager be authorised to refuse permission should the Section 106 Agreement not be completed within two months from the date of determination, on the ground of failure to secure the provisions of the Section 106 Agreement.

Amended Conditions

4 - Landscaping, lighting and means of enclosure detailed plan

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted for approval in writing by the local planning authority, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking surface treatment, surface treatment for pedestrian access and circulation areas, all other hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (iii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise);
- (iv) details of any proposed boundary treatment, including hedges and retaining walls; and a detailed specification for the northern boundary between the site and 76 Whitworth Crescent.
- (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.

The boundary specification agreed under (iv) above, shall be fully implemented before any of the dwellings hereby approved are first occupied and subsequently maintained and retained at the approved heights at all times thereafter.

REASON:

To ensure an appropriate landscaped setting for the development, to safeguard preserved trees on the site, in the interests of crime prevention and privacy and also to safeguard pilot safety for aircraft approaching and departing Southampton airport.

8 - Renewable Energy - Micro-Renewables

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development by 20% as required in core strategy policy CS20 must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

Additional Conditions

13 - Stopping up existing access

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:

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

14 - Sightlines specification

Sight lines at the access points to the site shall be agreed in writing with the local planning authority and then provided before the first occupation of any building hereby approved commences, and notwithstanding the provisions of the Town and Country

Planning General Development Order 1988 no fences walls or other means of enclosure including hedges shrubs or other vertical structures shall be erected above a height of [0.6m / 0.75m] above carriageway level within the sight line splays.

REASON:

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

15 - Parking

No dwelling shall be occupied until the parking spaces shown on the approved plans have been laid out and provided and these shall be kept clear and available for that purpose thereafter.

REASON:

To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

16 - Cycle and Refuse Store Details

The cycle and refuse store facilities shown on the approved plan shall be provided prior to first occupation of any of the dwellings hereby approved and thereafter retained and maintained for that purpose. No refuse bins shall be left outside these storage areas except for the purpose of collection on collection day only.

REASON:

In the interests of the visual amenities of the area.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as the scale and massing of the development, the impact on the character of the area and amenity of neighbours, the level of parking provision and the impact on protected trees 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SP12, SDP19, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

89. 15 RIPSTONE GARDENS - 10/01296/FUL

Part two-storey, part single storey side and rear extension to facilitate conversion of existing house into 2 x 3-bed flats with associated parking and cycle/refuse storage

Mr Sayle (Agent), Mr Claisse (Local Resident) and Councillor Vinson (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that planning approval be granted subject to the conditions in the report and the additional condition set out below.

Additional Conditions

12 - Use

The flats hereby approved shall only be occupied as a single dwelling house in accordance with Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010. The development shall not be occupied as an HMO (including by 3 or more unrelated persons sharing the same basic amenities) without first obtaining planning permission for a change of use.

REASON:

In the interests of the character of the area.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The reasons for refusal imposed on decision 10/01296/FUL have been overcome. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 23rd November 2010 do not have sufficient weight to justify a refusal of the application. The proposed development would be in keeping with the surrounding area and would not have a harmful impact on residential amenity or highway safety 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13 and SDP14 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS13, CS16, CS18, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

90. **HORSESHOE PARK, HORSESHOE BRIDGE, SO17 2NP - 10/00946/TIME**

Erection of a five-storey office building with associated parking and vehicular access from Drummond Drive (Extension of Time)

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that planning approval be granted subject to the conditions in the report and the additional conditions set out below.

Additional Conditions

21 - Noise Mitigation

A scheme of noise mitigation measures to ensure that occupiers are not adversely affected from noise disturbance from the adjacent railway transformer compound shall

be submitted and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation and subsequently retained.

REASON:

To ensure a satisfactory form of development.

22 - Public Highway

Details are to be supplied to ensure that the structural integrity of the public highway will not be undermined either during or after the construction process.

REASON:

In the interests of public safety

REASONS FOR THE DECISION

The site is safeguarded for light industry and research and development uses under Saved Policy REI11 (xvi) of the Local Plan Review. Whilst office development does not strictly accord with the site specific designation, this use is suitable for the site having regard to the existing permission for office development on the site and having regard to the applicant's unsuccessful attempts to bring industrial use to the site prior to granting application 08/00083/FUL. The development is acceptable taking into account all other relevant policies and proposals of the Development Plan as set out below. Overall the principal scheme is acceptable, particularly as it would bring the site back into employment use. The level of development is appropriate for the site and the form of development is compatible with neighbouring commercial and industrial activities. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP5, SDP7, SDP9, REI11 and REI15 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS7, CS8 and CS13 of the Local Development Framework Core Strategy (January 2010).

91. 17 BASSETT HEATH AVENUE - 10/01365/FUL

First floor rear extension and erection of car port in front garden

Councillor Samuels (Ward Councillor) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that planning approval be granted subject to the conditions in the report and the additional condition set out below.

Additional Condition

10 - Hours of work for Demolition / Clearance / Construction

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.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The scale and massing of the first floor extension is proportionate to the scale and appearance of the existing dwelling and its neighbours and is not considered to harm the residential amenity of neighbouring dwellings. The design of the proposed car port is consistent with that of the main dwelling. It will not harm the character of the Bassett Heath Avenue Street scene nor will it affect the residential amenity of neighbouring dwellings. 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.

'Saved Policies' - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policy CS13 and the Council's current adopted Residential Design Guide.

92. 21 TO 25 ST MARYS PLACE, SO14 3HY - 10/00948/FUL

Change of use from Light Retail/Commercial to a Church (Use Class D1)

Mr Abu (Church Representative / Applicant) was present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DELEGATE AUTHORITY TO THE PLANNING AND DEVELOPMENT MANAGER TO GRANT CONDITIONAL PLANNING PERMISSION WAS CARRIED UNANIMOUSLY

RESOLVED that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to the conditions in the report and the amended and additional conditions set out below.

Amended Conditions

8 - Acoustic Report

Prior to the occupation of the hereby approved planning permission, the mitigation measures proposed by the acoustic report and written scheme to minimise noise shall be implemented in accordance with the approved noise report. The agreed measures from the approved noise report shall be retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

Additional Conditions

11 - Archaeological investigation

No development shall take place within the site until a plan which details all proposed ground work associated with additional services has been submitted to and approved in writing by the Local Planning Authority. Where ground works are identified as detailed on the submitted plan an archaeological watching brief shall be implemented in accordance with details to be agreed with by the Local Planning Authority prior to the commencement of the development.

REASON:

To ensure that the archaeological investigation is initiated at an appropriate point in the development procedure and owing to the archaeological importance of the site.

REASONS FOR THE DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including surrounding character, impact on amenity, proximity to surrounding residential properties and nearby land uses have been considered and are not judged to have sufficient weight to justify a refusal of the application 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.

Policies - SDP1, SDP4, SDP5, SDP10, SDP11, SDP13 and SDP16 of the City of Southampton Local Plan Review (March 2006) and CS3, CS13, CS19, and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

93. **APPLICATION TO MODIFY THE DEFINITIVE MAP AND STATEMENT BY ADDING A FOOTPATH**

The Panel considered the report of the Head of Planning and Sustainability seeking the determination of the Panel as to whether or not a specified route has accrued public right of way status by presumed dedication, as defined in Section 31 of the Highways Act 1980. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Moore (Agent for J Sainsburys) Mr Sillence (Chair of Lordshill Residents' Association) Mr Hodder (Lordshill Community Association), Mr Cantillou, Mrs Hessey and Mr Smith (Local Residents), and Councillors Morrell and Thomas (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that a public right of way subsists over the route specified and has accrued public right of way status by presumed dedication, as defined in Section 31 of the Highways Act 1980 ("the 1980 Act") and that it should be added to the Definitive Map and Statement.

94. **ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT, SOUTHAMPTON**

The Panel considered the report of the Planning and Development Manager regarding an Enforcement Notice in respect of the unauthorised use of 141 Burgess Road from single, four bedroomed dwelling to use primarily as an office to an architectural practice / property development company / consultant. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Holmes (Quayside Architects) and Councillor Samuels (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

RESOLVED

- (i) that authority be granted to the Planning and Development Manager in consultation with the Solicitor to the Council to serve an Enforcement Notice, requiring the unauthorised use of 141 Burgess Road primarily as an office to cease;
- (ii) that service of the Notice be deferred for at least 1 month to allow discussions between the owner and Planning and Development Manager as to whether any other way forward might exist;
- (iii) that should the unauthorised use not cease that authority be given to prosecute such a breach of control via the Magistrates Court; and
- (iv) that assistance be offered to the business(es) operating from the address to find alternative accommodation authorised for office use.

95. **RIVERDENE PLACE, WHITWORTH CRESCENT - BREACH OF THE SECTION 106 AGREEMENT**

(Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED that the item be deferred pending further discussions with the freehold owner.

96. **REVIEW OF 1APP REQUIREMENTS IN RESPECT OF THE VALIDATION OF PLANNING APPLICATIONS**

The Panel considered the report of the Planning and Development Manager regarding a review of requirements in respect of the validation of planning applications. (Copy of report circulated with the agenda and attached to the signed minutes).

RESOLVED

- (i) that interim approval be given for the use of the revised validation criteria for the various types of 1 App application form as set out in Appendix 1 of the report, in terms of the validation of all new planning applications received from 1 January 2011; and
- (ii) that approval be given for an 8 week consultation exercise with local agents and the public who use the Planning Service as well as internal and external consultees, to seek their opinion on the revised local validation criteria.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 21 DECEMBER 2010

PLEASE NOTE: THE PANEL, SHOULD IT BE REQUIRED, WILL BREAK FOR LUNCH AT 12 NOON

Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 12.00 NOON in the Council Chamber</u>					
5	SL	CAP	Q12	15	10/01283/R3CFL Land at Five Acre Field, Redbridge Lane
<u>BETWEEN 13.00 PM AND 13.45 PM in Committee Rooms 1 and 2</u>					
6	AA	CAP	Q13	5	10/01214/FUL / Land to the rear of 6 and 7 Cranbury Terrace, Bevois Valley
<u>BETWEEN 13.45 PM AND 14.30 PM in Committee Rooms 1 and 2</u>					
7	SB/AA	CAP	Q13	5	10/01311/FUL 5 Northwood Close
<u>BETWEEN 14.30 PM AND 14.50 PM in Committee Rooms 1 and 2</u>					
8	AA	CAP	Q13	5	10/00994/FUL Unit 23 Mountbatten Business Centre, 16 Millbrook Road East

Abbreviations:

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent
AA – Andrew Amery, AG - Andrew Gregory, ARL – Anna Lee, BG- Bryony Giles,
JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence,
SB – Stuart Brooks, RP – Richard Plume

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)

3. Statutory Plans in Preparation
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)

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

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) PPS1 Delivering Sustainable Development (February 2005)
- (b) Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)
- (c) Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)
- (d) PPG2 Green Belts (January 1995 - Amended March 2001)
- (e) PPS3 Housing (November 2006)
- (f) PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)
- (g) PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)
- (h) PPS6 Planning for Town Centres (March 2005)
- (i) PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)
- (j) PPG8 Telecommunications (August 2001)
- (k) PPS9 Biodiversity and Geological Conservation (August 2005)
- (l) PPS10 Planning for Sustainable Waste Management (July 2005)
- (m) PPS11 Regional Spatial Strategies (September 2004 – amended January 2009)
- (j) PPS12 Local Spatial Planning (June 2008)
- (k) PPG13 Transport (April 2001)
- (l) PPG14 Development on Unstable Land (April 1990)
- (m) PPG15 Planning and the Historic Environment (September 1994)
- (n) PPG16 Archaeology and Planning (November 1990)
- (o) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (p) PPG18 Enforcing Planning Control (December 1991)
- (q) PPG19 Outdoor Advertising Control (March 1992)
- (r) PPG20 Coastal Planning (September 1992)
- (t) PPS22 Renewable Energy (August 2004)
- (u) PPS23 Planning and Pollution Control (November 2004)
- (v) PPG24 Planning and Noise (October 1994)
- (w) PPS 25 Development and Flood Risk (December 2006)

8. Government Policy Planning Advice in Preparation
 - (a) PPS Development and Coastal Change – Consultation Paper (July 2009)
 - (b) Initial review of the implementation of PPS 25 Development and Flood Risk (June 2009)

9. Other Published Documents
 - (a) Planning for Daylight and Sunlight - DOE
 - (b) Coast and Countryside Conservation Policy - HCC
 - (c) The influence of trees on house foundations in clay soils - BREDK
 - (d) Survey and Analysis - Landscape and Development HCC
 - (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
 - (f) Shopping Policies in South Hampshire - HCC
 - (g) Buildings at Risk Register SCC (1998)
 - (h) Southampton City Safety Audit (1998)
 - (i) Urban Capacity Study 2005 – 2011 (March 2006)
 - (j) Strategic Housing Land Availability Assessment (March 2009)

10. Other Statutes
 - a) Crime and Disorder Act 1998
 - b) Human Rights Act 1998

Partially Revised: 24/08/10

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Agenda Item 5

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 21 December 2010
 Planning Application Report of the Planning & Development Manager

Application address: Land at Five Acre Field Redbridge Lane Southampton			
Proposed development: Re-development of the site to provide a new three-storey Academy and associated buildings, a four court floodlit multi-use games area, grass playing pitch with associated parking, vehicular access off Redbridge Lane, pedestrian access (including provision of signal controlled pedestrian crossing on Romsey Road, upgrading of Romsey Road and Brownhill Road subways and diversion of public right of way), landscaping and ecological enhancement works (including diversion of ditch).			
Application number	10/01283/R3CFL	Application type	Q12 small scale major
Case officer	Steve Lawrence	Public speaking time	15 minutes

Applicant: Southampton City Council		Agent: Turley Associates	
Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission, subject to the Secretary of State not wishing to 'call-in' the application for his own determination and the completion of a Undertaking to secure the matters set out in this report		
Reason for Panel referral – Departure from the Development Plan			
Appendix attached			
1.	Development Plan Policies	2.	Relevant Planning History
3.	2010 allowed outline planning appeal decision: land on west side of Redbridge Lane relating to the construction of 350 homes	4.	Correspondence from Architect and Further views of the Chair of the Southampton Architects Panel

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan. Whereas the proposals involve the development of public open space as a departure from the development plan, quantitative and qualitative improvements to open space on site and in the wider area, with improved sports facilities with community access mitigate for that loss. A package of off-site measures has been put in place to ensure that people reach the site safely and that the overall impact on the local highways network is acceptable. Planting and landscaping works will mitigate the visual impact of the proposals and biodiversity enhancements have been secured as part of the development. An existing public footpath will be diverted and not unduly affect the right of way, nor greatly lengthen journeys across the 5 Acre Field, otherwise known as the Lord's Hill Outdoor Recreation Centre. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate clauses to the legal undertaking and planning conditions/informatives have been imposed/advised to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the following planning policies:

'Saved' Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP21, SDP22, NE4, HE6, CLT3, and T12 of the City of Southampton Local Plan Review (March 2006) as supported by the adopted LDF Core Strategy (January 2010) policies CS11, CS13, CS14, CS18, CS19, CS20, CS21, CS22, CS23 and CS25.

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the Secretary of State not wishing to 'call-in' the application for his own determination and the completion of a Undertaking to secure:

- i. An agreed series of site specific transport works in accordance with policies CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. 3 No. Traffic Regulation Orders (TRO's) in respect of speed and parking restrictions relating to Romsey Road and Redbridge Lane;
- iii. CCTV (linked to SCC control room) and community safety scheme to Romsey Road and Brownhill Way underpasses;
- iv. Travel Plan;
- v. Training and Employment plan;
- vi. Community Use Agreement;
- vii. Sports Development Plan;
- viii. Quantitative open space replacement to be achieved at the Millbrook Community School site and retained for public use;
- ix. Highway condition survey and repairs to the highway resulting from any damage attributable to the build process;
- x. To enter into a Stopping-Up Order and Footpath Diversion Order under s.257 of the Planning Act, as it affects a public footpath.

1.0 Procedural Context

Councils Own Development

1.1 The proposed scheme is a Regulation 3 application for deemed Planning Permission. A Regulation 3 application relates to proposals made by the Local Authority for development that it wishes to undertake as part of its remit as a public sector service provider.

1.2 It is general practice that following the proper assessment of the planning merits of the proposal, that Regulation 3 applications should be either approved if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal.

2.0 Background

2.1 The application has been submitted in the context of the City Council's wider objectives of achieving improved educational and attendance within the city. The proposed school is part of the Academies programme which seeks to tackle disadvantage and educational underachievement in areas which historically have a lower level of educational attainment. At present the Lord's Hill Oasis Academy has a school roll of 691 pupils and operates across the two sites of Oaklands Community School, Fairisle Road and Millbrook Community School, Green Lane. The proposal would enable the Academy to operate from a single new campus.

2.2 This project has its basis from the School Standards and Framework Act 1998 and the Education Act 2002, which expressed the Government's drive to improve educational standards. Stemming from this, the National Academies programme has the objectives of breaking the cycle of underachievement and low aspirations in areas of deprivation with historical low performance, to increase choice and diversity in education and create inclusive, mixed ability schools.

2.3 The city council embarked on its 'Learning Futures' programme in 2006, part of which was ensuring that schools should be on sites and in buildings fit for the 21st Century in the Government's Building Schools for the Future initiative. Owing to falling secondary school rolls throughout the city, the decision was taken to amalgamate two secondary schools each east and west of the city to create two Academies. Oasis won the bid to run the two new Academies.

2.4 Oasis is a Christian charitable organisation founded by Steve Chalke in 1985. Oasis, a registered charity, began its work in the UK, but now works to deliver educational, healthcare and housing projects throughout the world. The Academy would be open to all faiths and agnostics/non-believers, operating a totally inclusive admissions policy. Information Communication Technology (ICT) will be used creatively in a variety of contexts for learning, including individual, group and teamwork as well as to accommodate all students learning styles.

2.5 The Mayfield Academy (10/00522/R3CFL) accessed from The Grove, off Portsmouth Road was approved at the 20.07.2010 meeting of Planning and Rights of Way Panel.

2.6 Consultation on the proposed relocation of the Lord's Hill Academy (comprising a leaflet, two open evenings and a site walkabout) was conducted in October and November 2008. This consultation exercise also provided stakeholders with an opportunity to select one of two potential site layouts for the Academy. The responses received were generally positive, with the number of objections being negligible. In line with the general consensus of stakeholders' views, the authority decided to choose the site layout that minimised the impact on existing sports users of the site. The city council's Cabinet approved the principle of leasing the relevant portion of the Lordshill site for use by the Academy on 27 April 2009.

3.0 The site and its context

3.1 This 3.45 ha irregularly shaped site, located on the north western edge of Southampton, is situated at the northern end of an open space known as 5 Acre Field, south-east of Redbridge Lane and south-west of Romsey Road. The site is located in an area of Low Accessibility and within flood zone 1 (i.e. lowest risk of flooding). The current site includes a large BMX track. Immediately adjacent to the BMX track (formed by rough earth mounding) are an open air basketball court, and a small cycling proficiency circuit, with remaining areas as scrub grassland. The application site is situated away from the laid out playing fields behind a screen of trees.

3.2 The application site wraps around Cedar Special School (single storey scale), located at the junction of the aforementioned highways. A car park for approximately 60 cars and 4 coaches lies south-east along Redbridge Lane, which serves the Lordshill Outdoor Recreation Centre (5 Acre Field), a series of playing pitches/surfaces used for rugby, football, cricket and petanque (four football pitches, two rugby pitches and a cricket table) as well as informal recreation and occasional formal events such as a Kite Festival, forming land to the south of the application site.

3.3 5 Acre Field also abuts Brownhill Way further east. Beyond that highway and Romsey Road is housing. Brownhill Way and Romsey Road are heavily trafficked highways of strategic importance in the local road network. Redbridge Lane conveys local traffic and is more rural in character. The city boundary with Test Valley Borough Council runs along the south-eastern kerb line of that highway, under the jurisdiction of Hampshire County Council as highway authority. The soft verges though are in the ownership of Southampton City Council.

3.4 The site is constrained by a high voltage cable running parallel to Romsey Road, a public footpath and drainage crossing the south-eastern tip of the site.

3.5 There are a number of mature trees on the site on the eastern boundary to Romsey Road. The boundary adjacent to Cedar School is a 1.8m weldmesh fence in a good condition. All other existing site boundaries are open with no fencing, although in some areas densely planted. The western edge of the site encompasses a drainage ditch which is culverted and planted with trees and bushes in parts. This ditch leads to the narrower north western part of the site which bounds on to Redbridge Lane. This corner of the site has a densely wooded area with some mature trees.

3.6 The site slopes gently southwards across the playing fields and is bounded to the southeast corner by another hard-surfaced public footpath that connects the two underpasses of Romsey Road and Brownhill Way. The topography varies across the site with the lowest areas to the south of the site at 24m AOD. The steepest slope on site towards the centre of the site where the ground rises from 24m AOD up to 28m AOD.

3.7 A detailed hard and soft landscape design has been submitted which will create and improve upon existing habitats and features of nature interest. The predominant areas of ecological value on site are: the intact native species rich hedge, which lies to the west of the site; the scattered mature trees in particular the Oaks and Poplars to the south of the site; and part of the ditches which contain areas of standing water.

3.8 The main entrance coming from Romsey Road is to be paved providing a high quality paved surface which will define the school's entrance. The finish will also be carried through to the pedestrian areas along the school's northern facade where it will help define a key east-west route and the link to the school's main entrance. A rolled macadam surface will be used for the main entrance route as well as parking spaces on the northern side of this route. Parking spaces to the south of the access road will utilise permeable paving.

3.9 5 Acre field is used by the emergency services to land helicopters, adjacent to the sports pavilion and cricket table. The number and frequency of such landings is likely to lessen once the helicopter landing pad at Southampton General Hospital (recently consented) has been provided.

4.0 Proposal

4.1 It is proposed to build a 6 forms of entry (11-16 years old) Academy offering secondary education (7,900 sq.m gross floor space) for up to 900 pupils, taught and served by 100 staff. There would be one flat-roofed main building, up to three storeys in height, with a number of other supporting single storey structures, such as plant enclosure, external canopy, covered bicycle store, garage/refuse compound (15 Eurobins)/electricity sub-station housing. The design has also incorporated the CABI guidelines for a well designed school.

4.2 The space around the buildings would be used to provide a new vehicular access from Redbridge Lane, (located between the Cedar School access and existing car park access), external playing surfaces and landscaped incidental space. A car park of 80 spaces (including 4 designed for use by the disabled, close to the main entrance), would be provided along with secure storage for 240 bicycles. This would lead around to the main plaza to be created on the Romsey Road frontage. An at-grade traffic light controlled crossing would be provided opposite this main entrance, as an alternative to the underpass, located slightly south of that point.

4.3 A package of works has been drawn up off-site to improve linkages to the site. These include:-

- Improvements to the existing (Romsey Road & Brownhill Way) underpasses (aesthetic; CCTV; and additional lighting)
- At-grade crossing over Romsey Road
- Improvements to the path linking the two subways (lighting and resurfacing)
- The 'Bowling Effect' on the 5 Acre Field side of the Brownhill Way underpass (hollowing out of the land to improve visibility at the end of the subway when emerging into that open space)
- Reprofiting of the pitches on the remainder of the 5 Acre Field site (equating to an increase of 21,978m² worth of playable area, including the Academy site)
- Installation of lighting to the 5 Acre Field community car park (5 columns)
- Additional parking provision for the Cedar School site (10 spaces)
- Installation of a footpath to cover the PRow diversion

4.4 Whilst pedestrian and cyclist access would be available from Redbridge Lane, it is intended that the primary point of such access would be from Romsey Road and approaches to the site across 5 Acre Field, via an underpass below Brownhill Way/Boniface Crescent.

4.5 The building's organisation is based on a concept diagram of 'wings'. Two wing-shaped forms are linked by the central Agora and Hall. The wings house the general and specialist Learning Zones, and envelop break-out spaces separated from the Agora by support facilities. The main feature of the new building would be a central space known as the Agora, off which break-out spaces and six 'learning zones' would flow. The Agora will be the physical and symbolic heart of the Academy. The objective has been to minimise wasteful corridor space and maximise the use of the building for learning. This objective also flows out of the building into the surrounding spaces, offering the opportunity for lessons to be taken outside, studies to be undertaken in bio diverse areas and vegetables/produce to be grown in garden areas in close proximity to the kitchen. A motor vehicle garage planned for later construction, would allow vocational training in car mechanics.

4.6 Outdoor learning, including an amphitheatre, is well-catered for. Outdoor terraces provide specific spaces for small group work. On the second floor of the building is a large central terrace, providing directly accessed outdoor space from the LRC and adjacent inclusion zone. In summary, the design meets the development brief by providing an intelligently laid out and easy to manage overall site masterplan.

4.7 The main public face of the building would be to Romsey Road. Here, it is proposed to treat the elevation with three basic materials. From the south, there would be a grey engineering brick façade punctuated by classroom windows, which would oversail a recessed triple height curtain wall glazed entry portal, in turn flanked by the theatre block, clad in a patchwork of red rainscreen cladding and bearing a halo illuminated Oasis symbol of the circle of inclusion. This red cladding is to emphasize the Academy's Arts curriculum specialism. The remainder of the building would be a mixture of brickwork and lighter rainscreen cladding, with the southern elevation arranged as a patchwork to help break up its mass as perceived when looking north from the adjoining 5 Acre Field.

4.8 Improved sports facilities would also be available for use by the community, as would an internet café (also forming a reception area for community users) and theatre/hall accessed off the central Agora space within the building. These would comprise a sports hall, with separate gym/dance studio, 3 court MUGA and new adult-sized football pitch. A gate in the perimeter fence close to the latter would allow school access to the wider 5 Acre Field.

4.9 The Academy envisages that it will operate the new buildings for the purpose of community use during the following hours:

- Weekdays (term time): 17:00-22:00
- Weekdays (non-term time): 17:00-22:00, supplemented by programmed activities during the day
- Saturdays & Sundays: 09:00-22:00

The above will be subject to review and will be maintained only insofar as it proves to be economically sustainable (i.e. not to the financial detriment of the Academy itself).

4.10 It is predicted that a stand alone gas-fired boiler and use of arrays of photovoltaics on the flat roof would deliver 30% reduction in CO₂ emissions and very good rating under BREEAM. The ventilation strategy is mixed mode; some areas are mechanically ventilated, others are naturally ventilated with mechanical assistance. The gas fired CHP system, will generate a proportion of the hotwater in the building for heat and domestic water. A large solar electric array will provide approximately 35% of the schools electricity requirements throughout the year and save 56 tonnes of CO₂ per annum. Rainwater drainage will be incorporated considering all feasible aspects for sustainable urban drainage systems (SUDS) This will mitigate for the impact of surface water run-off from the building and hard surfacing around it. The introduction of daylight into spaces through windows and roof openings will be exploited wherever possible to reduce energy consumption and operating costs. Automatic control of the lighting shall be provided wherever possible utilising passive infra-red (PIR) detectors which may energise the luminaire instantly or ramp up to full output using dimmable control gear.

4.11 A secure perimeter would be created using 2.4m high weldmesh fencing and gates (3m surrounding the MUGA) and the eastern and north/north-western faces of the building/MUGA court. Lighting would also be incorporated along this fencing. The vehicular access approach into the site and footways would be lit. Floodlighting is proposed for the MUGA court.

4.12 Proposals will be fully compliant with Part M of the Building Regulations to ensure access for all, including two lifts inside the building. Level or manageable gradient access is being provided to the building, whose door openings will be of appropriate width with flush thresholds.

4.13 Mechanical ventilation is proposed for sealed rooms, such as the music areas, science classrooms and theatre. The normal study and teaching rooms on the east façade shall have acoustically-rated ventilation. All other rooms will have opening windows. All external windows, doors and glazed rooflights shall achieve Weighted Sound Reduction Index of not less than Rw 32dB for the complete unit. All vision areas will incorporate, standard double glazing units. These measures are considered sufficient to guard against occasional noise intrusion from an emergency services helicopter landing close by on 5 Acre Field.

5.0 Relevant Planning Policy

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

5.2 The existing open space at 5 Acre Field is designated under LPR Policy CLT3. Policy CS21 also seeks to protect such existing open spaces from development. The

Policy points to an overall deficit of open space to serve the city and advocates there should be no net loss of such land, unless equivalent replacement land and wider community benefits can be secured through development. This site is not in an area where there is an over provision of accessible open space, nor is the site deemed surplus to requirements. The Open Space Audit carried out in 2005 showed that, when compared against various national and local standards, the west area of the city is characterised by a high proportion of natural and semi-natural urban green space, with outdoor sports facilities also well represented.

5.3 Core Strategy Policy CS11 supports the development of new educational facilities, the development of skills to aid the economy and encourages wider community use of school facilities outside of school hours.

5.4 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

5.5 Major developments are expected to be supported by a transport assessment and CS18 of the Core Strategy advocates a strategy of 'reduce-manage-invest'.

6.0 Relevant Planning History

6.1 The 5 Acre Field was compulsorily purchased with other land in Lordshill from the Barker Mills Estate under an Order made in 1963, with the Council purchasing that land in 1964. There are no legal restrictions for its use for that proposed under this application. Land was transferred from the Housing portfolio to the Leisure portfolio in the late 1970's. More recently, the application site land has been transferred from Leisure Portfolio to Children's Services Portfolio, following a public consultation exercise referred to in 2.6 above.

6.2 The Cedar Special School was built out under a consent granted in 1970. It was to serve 120 children with physical handicaps, taught by 25 staff and serviced by 24 car parking spaces.

6.3 5 Acre Field was planned to be laid out as the Lordshill Outdoor Recreation Centre via deemed permissions, the last granted in 1979. These had included increased car parking provision (150 spaces overall) at the site of the existing car park off Redbridge Lane. The detached sports pavilion and maintenance compound close to it were developed under a permission granted 1980. Funding to implement the remaining proposals for the recreation centre was cut in the early 1980's and proposals to expand car parking there were not realised. These had attracted a highways objection from Hampshire County Council as highways authority, who required the Romsey Road/Bakers Drove/Redbridge Lane junction to be improved. That objection was refuted as the recreational car parking would not have occurred at peak hour traffic times.

6.4 More recent applications include the BMX track 1985 provision of a and floodlit rugby training area for Millbrook RFC (1985), cycle proficiency track (1986) and floodlit football pitch for QK Southampton FC (2004). Further afield on the southern part of 5 Acre Field, the David Lloyd Tennis Centre was built out under a consent as a replacement facility (1998).

6.5 A list of the relevant applications on and adjoining the site, including the 350 dwelling outline consent to land west of Redbridge Lane, won on Appeal on 3.11.2010 are set out in **Appendix 2** and **Appendix 3** respectively.

7.0 Consultation Responses and Notification Representations

7.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting site notices (both 14.10.2010). At the time of writing the report **64** letters of objection and one petition of objection signed by 74 people living at 50 different addresses have been received. Revised information submitted by the applicant has been re-notified to those who have made representations and consultees. Any further views received in writing will be reported at the meeting.

7.2 The objections/concerns are raised relating to the original particulars are on the following grounds:-

7.2.1 Choice of location for the new Academy

- The Academy has been poorly located at the edge of its catchment, making it more likely that parents will drive their children to and from school. One writer suggests the new Academy should be developed on dock land – ‘within the city’s embrace’.
- The proposals represent an inefficient use of taxpayers’ money at a time of national austerity, when either the existing Oaklands or especially the Millbrook Community School ‘brownfield’ sites could be individually re-developed to provide a 900 pupil Academy, more central to its catchment, with less traffic impact and no loss of public open space. This represents a lost opportunity at a time when a Masterplan is being prepared for the Lordshill District Centre.

7.2.2 Unacceptable loss of public open space

- Would cause loss of protected open space, where a 2006 Council audit has already concluded an overall shortage of open space to serve the city and these objections already known from the ‘appropriation’ consultation exercise that took place. The proposals are contrary to the Partnership for Urban South Hampshire’s (P.U.S.H.’s) recently announced Green Infrastructure Strategy.
- Use of the Millbrook Community School site as an alternative would be too remote for some dog walkers close to the 5 Acre Field and informal space for basketball practice, off-road bike riding and events such as the Kite Festival should be retained.

7.2.3 Unacceptable impact to the open character and appearance of the area

- The proposals – which would represent the ‘thin end of the wedge’ - would further erode a green gap preventing the settlement of Nursling becoming subsumed by the City of Southampton.
- Recent developments such as Adanac Park and the development of land on the west side of Redbridge Lane for 350 homes, taken with the proposed Academy would represent an overdevelopment of the wider area, adversely affecting its ‘open rural’ character.
- The Building would be far more obtrusive than the smaller Cedar School building within the landscape, with its ‘pink’ corner materials inappropriate. One writer suggests that the building would be better positioned by the Brownfield Way/Romsey Road roundabout.
- Floodlighting to the MUGA court and lighting of the building during hours of darkness would cause undue visual impact in an otherwise generally unlit area.

7.2.4 Highways impact

- Undue traffic congestion would result from additional traffic and inconsiderate parking generated by the proposed development, from parents driving their children to school, waiting to turn into Redbridge Lane, the introduction of an at-grade crossing and removal of bus lay-by in Romsey Road. This would make 'rat-running' more likely through the Hillyfields area - (delaying bus services, especially relied upon by the elderly there) - and cause inconvenience to residents of Redbridge Lane and other nearby streets trying to access or park by their properties.
- Such congestion would be likely to cause delays to ambulance services connecting emergency helicopter landings at 5 Acre Field with the General Hospital.
- General criticism of the submitted transport assessment, which suggests such trips are already on the local highways network. It is asserted these trips are not passing through the Redbridge Lane/Bakers Drove/Romsey Road junction.
- A number of writers suggest vehicular access to the Academy should be via a 5th arm to the Brownhill Way/Romsey Road roundabout, thus overcoming the need for impact to the aforementioned junction, no requirement for an at-grade crossing to Romsey Road and no need to remove the bus lay-by to Romsey Road, all helping traffic to continue to move more freely in the area.
- Other development in the area, notably the Ordnance Survey move to Adanac Park and recently approved 350 home development of Barker Mills land on the west side of Redbridge Lane, whose access is almost opposite the proposed vehicular access to the proposed Academy and proximity of the existing access to the adjoining Cedar Special School has not properly been factored into the applicant's transport assessment.
- The highways impact of the development would be principally be borne by people living immediately beyond the city boundary, not city residents.
- The quantum of dedicated car parking is inadequate and bus services to the site are limited as an alternative means of reaching the site. Also dual use of the existing car park off Redbridge Lane by parents dropping off their children would conflict with use by those sports clubs and other informal users using 5 Acre Field for recreation, especially in the late afternoon and early evenings on weekdays. The submitted transport assessment at paragraphs 4.6 and 4.16 is unclear on this point as to whether use of the existing car park would be necessary during 'community' use of the Academy building.

7.2.5 Personal safety issues

- Highway safety for drivers, cyclists and pedestrians would be prejudiced by the additional traffic/off-site highway measures. Accidents at the Redbridge Lane/Romsey Road/Bakers Drove junction would be more likely, where a number of accidents have occurred and tail-backs at peak hours are already common.
- Redbridge Lane is unlit, narrow and 'rural' in character with a footway on only one side, where motorists often already exceed the speed limit because of its linear alignment and hazardous verge parking by Cedar School staff already occurs. No traffic calming is proposed by the applicant to mitigate such problems.

- Children would not necessarily cross at the Romsey Road at-grade crossing and elsewhere on the immediate highway network, placing themselves and others in danger.
- Concern that children could be assaulted in either the Romsey Road or Brownhill Way underpasses, when going to or from the Academy and concern that anti-social behaviour generally would increase in the underpasses.
- Concern that anti-social behaviour would increase in the area generally.
- No proposals are included to provide CCTV to the existing car park off Redbridge Lane. If the development proceeds, that should be secured in the interests of personal safety.

7.2.6 Unacceptable human amenity impacts

- There would be an unacceptable increase in noise and air pollution resulting from the additional traffic caused by the development, especially for those with breathing difficulties at the Cedar School.
- Use of the Pelican at-grade crossing at unsocial hours would disturb nearby residents, arising from the 'beeping' effect to assist visually impaired pedestrians.
- Vulnerable children attending Cedar Special School could be subjected to bullying by Academy pupils, would lose their open aspect to 5 Acre Field and be overshadowed by the new academy building.
- Street lighting in Bakers Drove, resisted for many years, may become a consequence of any junction improvement to Bakers Drove/Romsey Road/Redbridge Lane and would be visually obtrusive.

7.2.7 Ecological impact

- The proposals would adversely affect wildlife.

7.2.8 Drainage impact

- Poor drainage adjacent to Romsey Road, would be exacerbated by the Academy proposals and improvements should be made to the cricket table on 5 Acre Field if the development proceeds.

7.2.9 Wider later community impact from existing school sites becoming redundant

- Concern about loss of the publicly accessible gym and swimming pool at Oaklands Community School, use of the Sports Hall and loss of the 'City Farm' at Millbrook Community School.

7.2.10 Procedural dissatisfaction

- Millbrook RFC and the Southampton City Petanque Club were not personally notified about the planning application, where assurances had been given following the recent 'appropriation' consultation exercise.

7.3 **SCC Highways**

7.3.1 The Transport Statement still needs to address certain issues, but some of these can be resolved by the imposition of conditions.

7.3.2 The figures used for the calculation of the traffic numbers likely to use the Romsey Road/Redbridge Lane junction are possibly over calculated, as the traffic data used dates back to 2008, and the road closures in Hillyfields have been implemented since then. As a result, the maximum figure of 96% capacity relating to if improvements are carried out as part of the 350 dwellings appeal decision is an absolute maximum, but in reality may be somewhat less. Any update from the applicant will be reported at the Panel meeting.

7.3.3 If the figure reaches in excess of 100% the outcome is that there will be delays at the junction causing tailbacks as the light phasing will not clear all waiting traffic in one green sequence. It is therefore preferable that the capacity figure is kept as low as possible to avoid delays, and the possible risk of encouraging rat running through Hillyfields, where deterrents have already been put in place to discourage traffic from using that route.

7.3.4 Subway improvements are proposed which will improve the perception of personal safety and encourage the use of these facilities. Better lighting, finishes and approaches will give users the opportunity to see through the subways, and a requirement is that staff of the Academy will supervise pupils approaching the schools via the subways to ensure that the likelihood of incidents during these times are minimised. CCTV will be installed to monitor the subways at all times, which will help to encourage use outside of school times. The school will be responsible for monitoring this during school hours, but the central monitoring facility for SCC will take over outside school hours.

7.3.5 It is a concern of the police that the subways are a focus for anti-social behaviour, but by providing for cover at school start and finish times and CCTV monitoring should help to alleviate some of the reservations of the police. The presence of the school may well reduce the likely occurrence of anti-social behaviour both during and outside school hours due to increased use of the subways and the improvements from which they will benefit.

7.3.6 The at grade crossing is not favoured by your own highway officers or the highway officers of the TVBC and HCC. Concerns include the risk of accidents which may occur as a result of infrequent use of the crossing both within and outside school hours, risk of delays to traffic flows at peak times which may encourage rat running through Hillyfields, and that pupils will spill out onto the inadequate footpath on Romsey Road and be encouraged to walk down to the roundabout with Brownhill Way, where there are no pedestrian crossing facilities. There are also no plans in place to provide safe cycling routes via Romsey Road, and all pupils both on foot and cycle should be encouraged to use the improved underpasses. Also, the provision of pedestrian access onto Romsey Road may encourage parents to drop off pupils on Romsey Road near the entrance leading to the risk of delays and potential accidents.

7.3.7 The main vehicular access to the school and its car park is to be from Redbridge Lane, and it is likely that parents will use the adjacent informal public car park for pupil drop off and collection. (The bus lay-bys on Romsey Road are to be stopped up to remove the possibility of parents using these for pupil drop off and collection). This car park may also be used for overflow of week end/evening parking when the school facilities are used by the community. There is a planning consent in place for 350 dwellings to be served from Redbridge Lane, on the opposite side of the road, and carries a Section 106 obligation to provide traffic signals at the junction of Redbridge Lane with Romsey Road. This obligation must be implemented prior to the first occupation of that development. There is therefore, a risk that the academy could open before the traffic signals are provided, which could result in the increased risk of conflict at that junction during the interim period. There is a strip of land reserved to provide pedestrian access facilities along side the new proposed access road to the school which may be required for pupils from the new development who may attend the Academy.

7.4 Hampshire County Council (in their capacity as highways authority for Redbridge Lane). Concerns raised on the following grounds:-

7.4.1 The site is remote and would suggest that the location does not serve the catchments of the two existing schools very well. Pupils using sustainable means of travel now might be less inclined to do so, raising the potential for more to travel by car, due to the additional distance and barriers to the sites accessibility on foot. A more centrally located site would be better.

7.4.2 The proposed access onto Redbridge Lane is of principle concern as it is likely to result in significant additional movements along Redbridge Lane (potential for increased 'rat-running' through Hillyfields and accidents are referred to) and through the junction of Redbridge Lane/Romsey Road/Bakers Drove, which is considered to be unacceptable. Alternative access via the Brownhill Way/Romsey Road roundabout is suggested.

7.4.3 Lack of analysis of movements/appropriate modelling through the above junction is criticised, to justify either a staggered priority junction or as a signal controlled junction. This assessment will need to include committed development traffic from both Adanac Park, Redbridge Lane Barker Mills site development of up to 350 dwellings and proposed Oasis Academy. Distribution of the Academy traffic must be based on the postcode data of existing pupils and not a turning count at the junction. It is concluded that the Academy proposals will necessitate a further improvement to the junction above that secured from the 350 dwellings referred to above.

7.4.4 The 2.4m x 33m visibility splays to the Redbridge Lane access point would require a Traffic Regulation Order (TRO - via contribution paid to each Highways Authority via a S.106 agreement) to reduce vehicle speeds in that highway to 25 mph. The County Council's agreement to such a TRO cannot be confirmed at this point. Speed survey work is recommended to justify/define the splays. The positioning of the secure boundary fencing would interfere with those splays.

7.4.5 Whilst it is acknowledged that measures to prevent 'rat-running' were secured through the Adanac Park development (Redbridge Lane and the northern end of Jerrett's Lane have been closed to vehicles), it is asserted that a degree of rat running still takes place. Further measures would be secured if the 350 dwelling scheme was implemented. Delays from the at-grade crossing proposed in Romsey Road would increase the likelihood of 'rat running' conflicting with Test Valley Borough and Hampshire County Council objectives. An improved underpass should instead be relied upon to provide safe access, whilst not congesting vehicular traffic. Providing no at-grade crossing to Brownhill Way is inconsistent.

7.4.6 HCC Highways Officers confirm their objections as being twofold:-

- The proposal involves development that cannot be reconciled with national planning policy guidance in PPG13 in that it fails to make the best possible use of opportunities to reduce reliance on the private car. The proposed location for the Academy would result in an unacceptable increase in the number and length of car journeys to the detriment of the environment and the locality. The proposal therefore conflicts with PPG13.
- The proposed development is likely to generate additional traffic on the local highway network that can not be adequately and safely accommodated by the existing network and neither can it be accommodated at the junction of Redbridge Lane/Romsey Road/Bakers Drove when it has been improved under the terms of the Section 106 dated 16 September 2010 between Hampshire County Council and The Trustees of the Barker Mill Estate.

7.4.7 If, however, the city council is minded to resolve to grant permission, a number of legal agreement clauses/planning conditions/informative to secure:-

- An improvement to the junction of Redbridge Lane/Romsey Road/Bakers Drive, completed to the satisfaction of the relevant Highway Authority prior first use of the Academy.
- A contribution to enable the County Council to improve Redbridge Lane in the vicinity of the site to achieve a mean vehicle speed of 20mph and the introduction of further parking restrictions on part of Redbridge Lane.
- Agreeing full details of parking and manoeuvring onsite of contractor's and delivery vehicles.
Provision of visibility splays in Redbridge Lane and ensuring they remain unobstructed before first use of the access.
- That the access way be surfaced in a non-migratory materials.
- Wheel cleaning of contactors' vehicles to take place during the build to prevent mud being taken onto the highway.
- That a road opening permit would be required from HCC before forming the Redbridge Lane access.

- are recommended.

7.5 **Test Valley Borough Council** raises an objection on the following grounds:-

7.5.1 **Landscape & Ecology:** The proposed access would require the unnecessary removal of trees and hedgerow at the point of the proposed new access. As a suitable access point already exists from Redbridge Lane this would seem to create unnecessary harm to the rural character of the lane. The location of the proposed access is part of a network of natural habitats. Paragraph 12 of PPS9 advises '*Such networks should be protected from development and where possible strengthened by or integrated within it... including those within urban areas.* the PPS9 Guide to Good Practice advises planning authorities should seek to avoid harm to biodiversity as the first priority, and the correct process is avoidance of harm, then mitigation and then compensation.

7.5.2 The 2.4m high fence of wire mesh on the Redbridge Lane frontage represents a very urban feature on an otherwise rural lane, the character of which will be retained even with the additional residential development opposite the site.

7.5.3 **Tree impact:** An old gate set back in the vegetation along Redbridge Lane, south of the intended access may be a better position, given the tree loss necessary at the point of the proposed access.

7.5.4 **Transport impact:** 'Rat-running' issues as set out in paragraph 7.4.2 above are feared along Redbridge Lane and Yew Tree Lane adversely affecting the settlement of Hillyfields. Measures approved via a legal agreement to the 350 dwelling approval at Appeal on the other side of Redbridge Lane includes calming of the section of Redbridge Lane past the residential site with a view to reducing the mean speed to 30 mph. Further improvement of the Romsey Road/Redbridge Lane/Bakers Drive junction, over and above that secured through the 350 dwelling consent, is called for.

7.5.5 The originally submitted Transport Statement is criticised in the following ways:-

- The operation of the junction of Redbridge Lane/Romsey Road/Bakers Drive is of principle concern. The operation of the junction will need to be considered in further detail and tested with the appropriate modelling software. This assessment will need to include committed development traffic from both Adanac Park and Redbridge Lane and the proposed Oasis Academy development. The inference in the

Transport Statement that the amount of queuing traffic will encourage trips by sustainable modes is not accepted;

- No accurate assessment of the number of spaces that can be provided in the existing car park to Redbridge Lane has been provided;
- Whereas minor injury accidents at the Redbridge Lane/Romsey Road/Bakers Drove junction have been quantified, an analysis of their likely causes has not been given;
- There is concern that the scenario of parents dropping their children off in Romsey Road has not been adequately assessed, not the potential for parents to make their return journeys via Barkers Drove or Redbridge Lane/Yew Tree Lane quantified;
- Reiterating the points in 7.4.4 above, that a speed survey needs to be carried out and that the confirmation of a TRO in Redbridge Lane to reduce the speed limit to 20 mph by the proposed Academy access cannot be confirmed at this stage and a contribution would need to be included in the S.106 to cover administration/implementation of any TRO that was confirmed;
- Reiterating the point in 7.4.5 above that 'rat-running' will be more likely through Hillyfields when the use of the at-grade crossing in Romsey Road, particularly in the morning peak travel hour, will cause delays and people to find alternative routes. It is feared the number of journeys will not be reduced just redistributed along Redbridge Lane through Hillyfields. The inconsistency of not providing an at-grade crossing to Brownhill Way is pointed to and absence of scatter plot of existing pupil distribution is criticised and a site more central to such a pattern should be preferred. The Highway Authority cannot agree that the forecast inbound flows are spread evenly across the three approaches without more detailed information on where the staff and students live being provided;
- No details of off-site works – particularly removal of the bus layby in Romsey Road;
- No confirmation of how well-served the site is by public transport has been given;
- Highway Authority's concern relates to traffic leaving the site to the west. There has been no believable information provided to indicate the amount of vehicular traffic that will be attracted to this site on a daily basis nor how it is distributed both directionally and during the day;
- With the junction of Redbridge Lane and Romsey Road in its greater improved form operating at near its capacity with the traffic from the Adanac Park and Redbridge Lane residential traffic using it, there is no spare capacity to accommodate traffic from the proposed Academy in the morning peak especially;
- With the relative remoteness of this site to the existing the Highway Officers suspect more than 18% of the students will arrive by car. That said, if 18% of students do come by car at an occupancy of 2 students/car some 81 cars would arrive, this figure appears to have been increased by 50% to reach the figure of 122. More information on the catchment area and likely distribution of the trips by mode is required.
- The distribution of the cars based on the observed distribution at the junction is also questionable as many parents/guardians are more likely to return to the City rather than go northwards to either their homes or their employment locations after dropping off their children.

- It is unfortunate that not all existing and proposed cycle routes within the Test Valley area have been identified/assessed.

7.5.6 In conclusion, Test Valley Borough Council therefore formally objects on the following grounds:-

- Inadequate information has been provided to fully indicate the impact the proposed development will have on the local highway network.
- The proposed development is likely to generate additional traffic on to the local highway network that can not be adequately and safely accommodated by the existing network, neither can it be adequately and safely accommodated at the junction of Redbridge Lane with Romsey Road and Bakers Drove when that has been improved under the terms of the Section 106 Agreement dated 16 September, 2010 between HCC and The Trustees of the Barker Mill Estate.
- The proposed access is unnecessary and in combination with the proposed security fence would not retain and improve the hedged and landscape road boundary to Redbridge Lane to the detriment of the landscape character of the lane. The hedgerow is an important mitigating impact identified by the Inspector in allowing the residential development allowed opposite the application site.

7.5.7 If Southampton City Council is minded to grant deemed permission S.106 clauses, conditions and informatives are suggested covering:-

- Improvement of the Redbridge Lane/Romsey Road/Bakers Drove junction;
- TRO in Redbridge Lane to achieve mean 20 mph vehicle speeds/associated financial contribution;
- Similar planning conditions/informative to those set out by HCC.

7.6 **Nursling & Rownhams Parish Council** – Object, particularly with regard to matters referred to above, with specific reference made to cumulative traffic issues pertaining to:-

- Adanac Park Plots 4 & 5,
- 350 dwellings at Redbridge Lane,
- The proposed Oasis Academy
- At-grade crossing proposed for Romsey Road.

- being likely to cause ‘rat-running in the Hillyfields Area.

7.7 **SCC Access Officer** – The Access Statement references the relevant guidance and covers all the main issues to ensure access for all will be achieved.

7.8 **SCC Sustainability Team** – No objection subject to conditions to secure implementation of the submitted sustainability statement and achievement of ‘BREEAM Very Good’.

7.9 **SCC Environmental Health (Pollution & Safety)** – No objections, provided the MUGA remains in the position shown in the acoustic report and subject to conditions relating to MUGA position and its method/hours of floodlighting, hours of construction and no bonfires during site clearance/construction period.

7.10 **SCC Environmental Health (Contaminated Land Team)** - Records indicate that the subject site is located on/adjacent to former Landfill (on site). 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. Conditions are therefore recommended to ensure the site is free of prescribed contaminants.

7.11 **Natural England** - No objection to the proposed development. The site is within proximity to habitats which form part of the River Test Site of Special Scientific Interest (SSSI) and the Lower Test Valley SSSI. The Lower Test Valley SSSI is part of the Solent Maritime Special Area of Conservation (SAC), the Solent and Southampton Water Special Protection Area (SPA), and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above sites. With regard to protected species the submission of ecological surveys is welcomed and the advice of the Council's Planning Ecologist should be relied upon in terms of the mitigation measures being put forward.

7.12 **SCC Ecology** – Holding objection: Whilst no objection in principle of building a school concerns are expressed about elements of the proposed scheme:-

- In particular, the Extended Phase 1 Habitat Survey identifies a species rich line of trees and shrubs, running in south easterly direction, from Redbridge Lane. It also highlights the fact that the development site has high value for bat foraging and moderate for roosting. The line of trees and shrubs is likely to be a key element of this foraging. The MUGA is positioned on part of this line of trees which could result in the loss of bat roosts and/or significant foraging, as confirmed by the submitted survey data on bat foraging/roosting.
- A reptile survey has been submitted with recommendations for a mitigation and compensation strategy. Slow worms have already been translocated. No information has been provided about the receptor site or long term management provisions.

7.13 **SCC Landscape Architect** – Changes have been suggested to the applicant that are simple, not cost punitive but which will add value to the scheme. Concern is expressed that due to apparent budget restraints, the quality of the landscape setting of the school is being undermined. For example, the rear play area is apparently now to be surfaced only with plain black bitmac, not the more textured flecked bitmac as originally specified. The school logo has also been omitted. Generally the external paving is predictable and underwhelming. The external realm will be visible to all users of the site, and some local residents. It is considered imperative that a reasonable quality of landscape treatment is maintained.

7.14 The visual impact of the 2.4m high boundary mesh fence, where the applicant does not wish to screen the southern and eastern boundaries, but rather maintain 'opens views' of Five Acre Field remains a concern as an intrusion to an otherwise open space. However, it has been agreed that instead of hedge screen planting that some limited tree planting would go some way in softening the boundaries of the Academy. Further details of the fence are sought. Colour is an issue, with a receding colour (such as grey) being preferred.

7.15 Details of how areas of wildflower grass will be marked to guide maintenance gangs and a landscape maintenance plan have been requested and will be forwarded as soon as possible. (A verbal update will be given at the meeting and soft landscape maintenance will be the subject of a planning condition).

7.16 **SCC Trees** - No objection. The proposed development will result in the loss of trees but none of these are considered to have any special individual merit. The trees to be removed are, in the main, hedgerow trees which, excluding the small section along Redbridge lane, are not readily visible off site. The loss of these trees will not have any

significant impact on the visual amenity of the area and the loss can be mitigated by suitable replacement tree planting.

7.17 The entrance from Romsey Road will be through a natural gap and requires the loss of a small group of scrubby trees. However the new entrance will be within the root protection area (RPA) of two mature Oaks and special measures will need to be taken to minimise root damage. Similarly, the entrance off Redbridge Lane also passes through the RPA of various trees and will require similar measures which can be dealt with in full through a detailed method statement.

7.18 Replacement planting will need to be conditioned. The choice of tree species should, wherever possible, use larger long-lived trees rather than smaller ornamental cherries and rowans to maintain the urban canopy cover.

7.19 **SCC Cycling Development Officer** - the existing BMX track is not used for any organised cycle events. Although no data exists for current usage of this facility, it is generally understood that usage is poor. I am not aware of any usage of the hard-surface cycle path on the site, either for cycle proficiency lessons, or for anything else. Furthermore, it is felt that the proposed location of the new Academy on this site will reduce antisocial behaviour and also contribute to health strategies. Southampton City Council was in discussion with British Cycling to consider the possible refurbishment and development of an active club. It is intended that a new location will be found for a BMX track on another site, as yet unidentified, as and when finance becomes available. The existing site has a shared cycleway that is an important link between residential areas and the local schools and leisure centre. This link remains and the new Academy will not negatively impact on this.

7.20 **Sport England** – No objection. As no part of the school building footprint is considered to be a “playing field” as defined under the relevant Government Order, the consultation has been treated as ‘non-statutory’. It is noted that sports facilities currently exist at the Oaklands and Millbrook Community School sites. Also that a BMX track and cycling proficiency path would be lost to the development. (*an earlier letter confirmed no objection to the loss of the underused and poor quality BMX track*). The new 4 court sports hall, MUGA and adult football pitch are noted. Conditions are suggested to secure the quality of the playing fields and controlling the hours of use that floodlights should be used. It would be Sport England’s preference that the Sports Hall was fully designed to the guidance set out in ‘Accessible Sports Facilities, Sports Halls – Design and Layouts, Designing for Sport on School Sites’, to maximise the potential for participation in sport. It is noted that storage space is very limited and changing areas could be better.

Response:- ,

- The appropriate comparator for the new facilities is therefore the existing facilities. Overall, the applicant is providing roughly the same total quantity of sports space (39m² more, including the school’s Internet Café which also functions as the sports reception).
- The main Sports Hall: the scheme provides a Sport England standard 4-court 18x33m hall which equates to an area of 594m². This is approximately 100m² bigger than the hall at the Oaklands site.
- Whilst providing more active sports area, 810m² compared with 794m², we are providing less additional sports area – Gym / Dance Studio / PE Classroom – at 216m² proposed compared with 299m² existing.
- Providing 27% more changing area than exists at Oaklands: 142m² compared with 111m² in the existing (BB98 recommends 134m²).
- Consequently providing less storage (see commentary below) 71m² compared with 87m² existing.

- Storage is also located elsewhere on site
- Accessible Changing: The applicant is providing one dedicated accessible changing room/shower. Also an accessible shower space in the general shower area. For an accessible group change – based on the Sport England accessibility measure (based on 1.6m²/p) this can accommodate around 21 people. On the benching conventionally one can accommodate around 40. A further accessible changing room could be provided if the rest of the changing rooms are reduced in size.

7.21 **Southern Water** – Public sewers and a water distribution main cross the site. Detailed stipulations are set out as to protecting the drainage during any build out and ensuring no tree planting takes place within certain set distances of these drains.

7.22 Special precautions may be required where manholes lie within the proposed adult-sized football pitch. In order to protect drainage and water supply apparatus, Southern Water requests that if consent is granted, a condition is attached.

7.23 Initial investigations indicate that, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

7.24 Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

7.25 Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. To investigate this option, the developer would be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

7.26 The application details for this development indicate that the proposed means of surface water drainage for the site is via an existing watercourse, pond or lake and also soakaway. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. A condition is recommended to cover this aspect of the development.

7.27 **Hampshire Constabulary** – The response from Hampshire Constabulary is to oppose the application.

7.27.1 The building design and layout reflects the main principles of crime prevention through environmental design, however, such consideration has clearly not been given to safe access to and from the site. Hampshire Constabulary intends to uphold their objection until such time as planning conditions or a signed statement of undertaking are imposed addressing the issues detailed below. Further we would expect these changes to be agreed prior to the development commencing and the safer access arrangements in place before occupation.

7.27.2 At present the applicant intends for students to access the school via one of two routes; either using the subway under Romsey Road or the Brownhill Road subway

and then walking through the Five Acre site. Whilst we accept that a school in any location brings about certain problems, it is considered that an undue burden will be put on policing resources given the current issues of motorcycle nuisance and anti-social gatherings we currently experience in the immediate locality.

7.27.3 Furthermore, the school is encouraging after school activities and community use, this can therefore leave individuals highly vulnerable when arriving or leaving the school during the dark. Standard advice from both Hampshire Constabulary and Southampton City Council is to avoid using such routes when alone or during darkness and yet this application, if allowed to proceed, completely contradicts this. The overriding concern is therefore that both students and visitors will be put at unnecessary and potentially significant risk.

7.27.4 In order for this application to succeed, we would be willing to withdraw our objection should the following measures be incorporated:

7.27.5 **ROMSEY ROAD:** An appropriate 'at grade' crossing over Romsey Road. I understand there to be an objection to this notion from Test Valley Borough and Hampshire County Councils on the basis of traffic management. However, we request the crossing for the reasons of child and motorist safety. During a site visit it was noted that local residents were not using the current subway and instead taking their chances crossing a busy road. It is therefore reasonable to assume that students are likely to follow the same example and refrain from using the subway due to the fear of crime. In addition it is felt that a crossing is required as the subway is not wide enough to accommodate student numbers exiting after school. Students and motorists are therefore likely to be at greater risk unless a formalised crossing is placed over Romsey Road.

7.27.6 **RECOMMENDATION:** A planning condition or statement of undertaking sought to incorporate an 'at grade' crossing over Romsey Road and improvements made to the current subway; to include monitored CCTV within the subway linked to the City Council control room, improved lighting and anti-graffiti covering to the internal walls. The school's travel plan should reflect these recommendations.

7.27.7 **BROWNHILL ROAD:** One of the fundamental reasons to our objection is the walk through the Five Acre site. This park is isolated and completely lacks surveillance from neighbouring properties. It is therefore considered inappropriate and unsafe for this to be identified as a main route into the school; something that should have been considered when initially selecting the site.

7.27.8 For this objection to be withdrawn, alternative means of access need to be incorporated. A suggestion has been made to provide a pedestrian crossing over Brownhill Road in close proximity to the roundabout; where there is already in place a dropped curb for pedestrian use. During discussions it was felt that traffic would be slowing sufficiently at this point to reduce the likelihood of a serious road traffic collision, this however will need to be identified through appropriate checks. This will allow students to walk along the existing footpath running along Romsey Road, avoiding the need to use the subway under Brownhill Road and walking through the park.

7.27.9 **RECOMMENDATION:** A planning condition or statement of undertaking sought to incorporate an 'at grade' crossing over Brownhill Road and measures to restrict student access into the park, via the school premises at opening and closing times. The school's travel plan should highlight the importance of students using this route and reasonable measures identified to discourage walking through the park.

7.27.10 The applicant has taken reasonable steps to ensure the layout and design of the building minimises the opportunity for crime, however, I would like to highlight the following points:

- **Lighting:** It would appear from artistic impressions, a heavy reliance on the use of bollard lighting. This should not be considered a primary source of luminescence as bollards can easily be obstructed and vandalised, further it does not cast sufficient light upwards for facial recognition. The applicant should submit a detailed lighting plan for approval prior to commencement. The lighting plan should demonstrate uniformity in the spread of light. In such an isolated area, external lighting can attract crime and anti-social behaviour, the applicant may wish to consider a timer facility so lights can be automatically turn off and on when appropriate (Any CCTV system should therefore be capable of working in low lighting conditions).
- **Fencing:** 2.4m weld mesh is considered reasonable for securing the perimeter of the site. The applicant should ensure that any trees are sufficiently distant from the fence-line to avoid being used as a climbing aid. Gates within the perimeter should be of the same height and lack any parts to assist climbing.
- **Entry Points:** It would appear from the plans that the building has 26 separate doors allowing entry into the building at ground floor level. This is significant as each point provides a potential weakness for a criminal to enter the school. **RECOMMENDATION:** It is suggested the number of doors into the building is reviewed and to ensure security is maximised a condition of planning included for the building to achieve Secured by Design.
- **Bike Storage:** The applicant should submit further details to demonstrate security arrangements for the bike store.

7.27.11 In conclusion it is felt that unless the above recommendations are incorporated, this application in its current form should not be approved as it does not meet the safety requirements within the context of the following guidance: *A Safer Journey to School: A Guide to School Travel Plans (DETR/DFEE 1999)*, *1998 Transport White Paper (A New Deal for Transport – Better for Everyone) paragraph 5.30*, *BREAM Credit Tra 4 – Pedestrian and Cyclist Security, School Travel: Strategies and Plans (DETR 1999, Southampton City Council Local Plan)*.

7.28 **SCC Rights of Way Office** - The Definitive Map for Southampton shows a public right of way over the site, known as Southampton Footpath 09. It is accepted that the footpath is anomalous in that from the rear of the David Lloyd Leisure Centre across the playing field to where it joins the underpass at Romsey Road, there is not a discernible, obvious trodden or made-up route that constitutes the footpath. The Footpath was previously diverted under "The City of Southampton (Lord's Hill Recreation Centre) Public Path Diversion Order 1981" was confirmed at the time the David Lloyd Tennis Centre was built out.

7.29 The Path Diversion Order must be confirmed and in place prior to any works that affect the old, existing route and once in place, the new, diverted route must be operational before the existing, (old) route can be extinguished. There appears to be nothing technically wrong with the proposed diversion alignment.

7.30 Subject to the diversion of this footpath under Section 257 of the Town and Country Planning Act 1990 (as amended) before the academy is developed, no objection is raised to the proposals.

7.31 **SCC Archaeology Officer** - The application site is situated in an area of high archaeological potential as it is between three areas of significant later-prehistoric settlement and activity (dating mainly to the Bronze Age and Iron Age), including a nationally important Bronze Age barrow cemetery just outside the city boundary around the

Adanac Park development site. Consequently, due to the size and scale of the development, any archaeology on the site has the potential to significantly enhance our understanding of this area of Southampton and of southern Hampshire.

7.32 As long as a phased programme of archaeological works (beginning with an archaeological field evaluation) is carried out in advance of the development, there is unlikely to be anything on the site that will prove to be an overriding constraint to development. Two planning conditions are recommended if Panel are minded to support the proposals. The potential complexity of the archaeology on the site has the potential to significantly impact on the development programme both in terms of time and budget.

7.33 **SCC Development Coordinator** - Employment and Skills plan obligation should be included in the S.106 agreement.

7.34 **Architects Panel** – The Panel considered the scheme both at the pre-application stage (16.6.2010), where no precise schedule of external materials was then known) and during the determination of the application (20.10.2010). Their views include from 16.6.2010:-

- Romsey Road entrance is a feature and design efforts should be focused on that façade;
- Boundary enclosure needs careful treatment;
- Not unusual scale wise and if becomes more contextual should become successful on this site;
- There will be a need to hold onto quality during the procurement/build process;

And from 20.10.2010:-

- Plain brick façade treatment bland and almost industrial and monolithic in appearance. Elevations to playground better with cladded 'mosaic', but irregular patterning not really necessary;
- Should be an opportunity to provide and 'uplifting' experience to inspire the pupils, which the interior does achieve;
- No depth to the Romsey Road façade and colour of brick not liked, especially in context of recessed curtain wall glazing entrance;
- Would brise soleil be better to give solar protection and in terms of giving articulating elevation, particularly south elevation;
- Original concept perspectives for pre-ap enquiry indicated lighter panelling, which was neutral terminating at main entrance, which appeared better. Also roof overhang lost.

Response:- These views have been put to the applicant who asserts that the merits of the submitted scheme should be considered and determined. The Architects acting for the applicant have commented on the observations above. There further justification for the architectural elevational composition and the response of the Chair of the Architects Panel are reproduced as **Appendix 4**.

8.0 Planning Consideration Key Issues

- 8.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
 - ii. Open space/recreation impact;
 - iii. Highways and parking issues;
 - iv. The acceptability of the design and landscape impact to the character of the area;
 - v. Impacts on residential amenity;
 - vi. The relationship with trees and ecology; and,
 - vii. Sustainability.

8.2 Principle of Development

8.2.1 The applicant undertook a site selection process. An important requirement was to have the necessary playing field area to support a school of this size (this being for playing field space of 41,500m²). Those requirements could not be met at either of the existing sites and it was also considered desirable to have a fresh start given partisan community loyalties to the existing sites and need to engender and encourage a wider sense of inclusion for all pupils, a neutral base, at which the learners could feel equally at home.

8.2.2 Owing to financial constraint in respect of purchasing any other site, it was decided to locate the new Academy at the 5 Acre Field site, where it could also make use of the improved public playing pitch provision to be secured through these proposals. This report considers the merits and acceptability of the application site to accommodate the new Academy and ensure that people can safely travel to it and is not about considering alternative sites.

8.3 Open space/recreation impact

8.3.1 There is an argument for the new Academy attracting more people to use the remaining open space (especially if community use of the new Academy premises is well implemented) which is to be encouraged. This type of development is obviously best located in conjunction with open space. The reconfiguration of the space therefore provides a net increase in the provision of quality sports provision in this locality, and the local community will have access to these facilities.

8.3.2 The applicant has now also confirmed that quantitative open space replacement can be secured at the Millbrook Community School site in Green Lane. Whilst this may not be relatively close to those living close outside the city boundary, opportunities for such mitigation are relatively scarce and those other users would still have the remainder of 5 Acre Field to enjoy.

8.3.3 Officers are satisfied that the BMX track and court are significantly under utilised and the applicant has provided evidence to support that assertion. The cycling development officer knows of no events held there. Overall, Officers are satisfied that the requirements of CLT3 and CS21 can and will be met.

8.4 Highways and parking issues

8.4.1 The Transport Statement has been updated to address the criticisms made of it. It is considered that the paramount weight should be given to the safety of the highway network and those using it, over and above the convenience and speed of its use by vehicles. To that end the needs of the pedestrian first, cyclist second, bus third and car last under Local Plan Review Policy SDP4 are being actively addressed here. Although traffic would be slowed by the proposed at-grade crossing, the Transport Statement predicts that the Redbridge Lane/Romsey Road/Bakers Drove would be close to, yet remain in capacity should the 350 dwelling development be built out and the junction improved. Drivers would ultimately get used to the presence of the traffic light controlled crossing and their behaviour change accordingly. Whilst some delay might be caused to ambulances going from helicopter landings at 5 Acre Field to the General Hospital A & E department, this is not considered to be a reason for declining this application and the normal highway code courtesy of pulling over to let an ambulance through would apply. If the 350 dwelling permission is implemented, improvements to this critical road junction would be paid for by that developer.

8.4.2 Measures are proposed to ensure that the proposed access arrangements do not adversely affect the road safety along Redbridge Lane in accordance with 'saved'

Policy TI 2. Conditions are proposed to ensure adequate sight lines are provided across land in the city council's ownership and that these will not be obstructed by the proposed security perimeter fence.

8.4.3 The proposal of around 41 standard classrooms (shown on the submitted floor plans) would normally yield a maximum of 62 car spaces in order to comply with the standards; 80 will be provided and officers accept this, taking into consideration the lower accessibility of this site and the other teaching spaces available within the layout. Off-site works would improve car parking at the Cedar School, to lessen the potential of hazardous verge parking that currently takes place. Overspill use of the 5 Acre Field existing car park would occur, but community users of the new Academy would be able to use the 80 spaces on site in the evening and use is therefore more likely when parents will drop-off/pick up children from school in times of inclement weather.

8.5 The acceptability of the design and landscape impact to the character of the area

8.5.1 Cumulatively, the argument that the building would adversely impact the character of the area and cause the coalescence of settlements is not accepted, nor was it accepted by the Planning Inspector when he determined the outline planning application for up to 350 new dwellings on the west side of Redbridge Lane (paragraphs 5 to 14 of **Appendix 3** refer).

8.5.2 Whereas lighting would be present in an area where it is currently not, floodlighting to sports surfaces has been assimilated into the landscape under previous permissions at 5 Acre Field without complaint. There is no Policy in the Development Plan for the protection of strategic gaps. Landscaping and existing tree screening would mitigate the visual impact to the area.

8.5.3 Notwithstanding the stakeholder consultation that has taken place, the independent Architects Panel for Southampton have criticised the scheme – in particular the grey brick materials to be used for the Romsey Road frontage, which would appear 'gloomy', underwhelming and 'heavy', in terms of the significant proportion of the elevation it occupies, even in good lighting conditions. It should be remembered that if consented, this large building will stand in the landscape for many years to come and also represent the first lasting visual impression of anyone entering the building from that direction. Whilst the desire to have robust building materials is understood, the Architect Panel say it would be easy to take that opportunity without increasing the cost of the build. Officers have asked for changes to be made to this part of the design but the architects for the scheme believe it is satisfactory..

8.5.4 In overall design and layout terms, the proposals are very well thought out and will provide excellent and inspirational teaching facilities.

8.6 Impacts on residential amenity

8.6.1 No evidence has been brought forward by third parties about noise or air quality issues. The City Council's Environmental Health Officers have not raised this as an issue and the Redbridge Lane/Romsey Road/Bakers Drove junction is not recognised as an Air Quality Management Area under Policy SDP15 of the Local Plan Review. .

8.6.2 It is not considered that out of hours use of the at-grade crossing would be so disturbing to those living adjacent to justify a nuisance between 23.00-07.00 hours the following day.

8.6.3 Planning conditions have been imposed to require the provision of CCTV in the school grounds and via S.106 for the underpasses, which are to be policed by school staff

at the beginning and end of each school day, to limit the potential for anti-social behaviour in the area.

8.7 The relationship with trees and ecology

8.7.1 The Planning Ecologist wishes to see mitigation for the tree line proposed to be interrupted by the new floodlit MUGA in terms of its impact on foraging bats. Mitigation can and should be provided and would be covered by the landscaping condition recommended.

8.7.2 The City Council's Landscape Architect consultant and Tree Officer consider the soft landscaping could be improved and boundary fencing impact softened. Notwithstanding the submitted landscape design, it is therefore considered appropriate to condition a revised scheme to allow for more tree planting in strategic positions.

8.8 Sustainability

8.8.1 The application is accompanied by a BREEAM pre-assessment report which demonstrates that the proposal can achieve a BREEAM rating of 'Very Good'. A planning condition is suggested to secure this. The proposal incorporates on-site Combine Heat and Power as well as a solar electric array on the roof.

8.9 Other matters

8.9.1 It is accepted that drainage would need to be improved and existing services protected. This would be achieved through planning conditions.

8.9.2 Wider later community impact from existing school sites becoming redundant: Issues relating to the future use of the Oaklands and Millbrook CS sites will be determined at a later date with due consultation afforded. Any planning applications submitted for those sites will also properly address the issue of replacement facilities at that time.

8.9.3 Procedural dissatisfaction: It is unfortunate that the Petanque Club and others were not personally notified of the application, having expressed an interest in the matter during the previous land appropriation exercise. However, they have commented on the application and their views have been considered.

9.0 Summary

9.1 These proposals would deliver a high quality school for the benefit of local children, providing a centre of excellence for education and lifelong learning and thus be fully compliant with Policy CS11 of the Core Strategy. These proposals place a strong and passionate emphasis on design quality, innovation and sustainability.

9.2 Open space, tree and ecological mitigation would or could be provided and secured through planning conditions.

9.3 Whereas the Council's Highways Officer, Hampshire County and Test Valley Borough Council raise objection to an at-grade crossing in Romsey Road, it is considered, on balance, that this facility is required to ensure that children and visitors can safely reach the site, especially in hours of darkness when use of the subway would be a less favourable option. Fears about 'rat running' in Hillyfields are understood, but measures under the Adanac Park permission have begun to have effect, a TRO would be sought to control speed in Redbridge Lane and further measures would be likely to come on-stream when the permission for 350 dwellings (Appendix 2) is implemented, of which there is a reasonable prospect. The applicant's transport consultant predicts that the Redbridge Lane/Romsey Road/Bakers Drove junction would remain in capacity if the Academy were

to proceed. Ultimately, overall safety on the highway network has to take priority over the speed and convenience of traffic using that network. The school would operate a travel plan and a package of off-site measures would be secured to encourage/facilitate walking and cycling to the site.

10.0 Conclusion

10.1 The application is recommended for conditional approval, subject to the completion of the aforementioned S.106 Legal Undertaking and ratification of any favourable resolution that the Secretary of State for Communities and Local Government does not wish to 'call-in' this application for his own determination by way of a public inquiry.

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(c), 2(d), 4 (i), 4 (k), 4 (l), 5 (e), 6(a), 6(c), 6(d), 6(i), 7(a), 7(b), 7 (g), 7(k), 7 (o), 7 (r), 7 (v), 7 (w), 7 (x), 7 (y), 10(a) and 10(b).

SL for 21.12.10 PROW Panel

To comply with **PLANNING CONDITIONS**

1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

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

Reason:

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

2. APPROVAL CONDITION - Approved Plans

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

Reason:

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

3. APPROVAL CONDITION - Details of building materials to be used [Pre-Commencement Condition]

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

Reason:

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

4. APPROVAL CONDITION - 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.

5. APPROVAL CONDITION – Sustainability statement implementation [pre-commencement condition]

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

REASON

To minimise overall demand for resources

6. APPROVAL CONDITION – BREEAM Standards [pre-occupation condition]

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

REASON

To ensure the development minimises its overall demand for resources.

7. APPROVAL CONDITION – Floodlight System [pre-commencement condition]

No floodlights shall be installed on the site until full details of the a written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 “Obtrusive Light Limitations for Exterior Lighting Installations”, by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The details shall include details of an automatic cut off switch - sensitive to British summertime variations - that will control the floodlights. The installation must be maintained in accordance with the agreed written scheme. Within one month of the floodlighting being installed, the developer shall submit a report to the local planning authority, from a competent lighting engineer, to verify that the predicted lux intensity figures and the limited light spillage contours shown in the submitted report (or any subsequent alternative report agreed in writing with the local planning authority), have been met and shall if necessary arrange to adjust the rotation and inclination of each luminaire, such that the predicted figures are then met. Once installed, or adjusted as necessary, the luminaires shall be maintained and fixed in that position at all times.

REASON:

To protect the amenities of the occupiers of existing nearby residential properties and impact to the night sky having regard to the urban fringe character of the site.

8. APPROVAL CONDITION – Construction method statement [pre-commencement condition]

Before development commences a statement setting out the management of construction operations shall be submitted to and approved by the Local Planning Authority. The statement shall include detailed plans specifying the areas to be used for contractor's vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted. No deliveries of construction materials or equipment or removal of demolition materials shall take place between the following times Mondays to Fridays - 08.30 to 09.15 hours and 14.30 to 15.30 hours. The statement shall set out the means by which the construction operations shall be managed to conform to these requirements and the arrangements for complaints about the construction operation to be received, recorded and resolved. The development shall be implemented in accordance with the agreed statement.

REASON

To protect the amenities of neighbours, those attending the adjoining Cedar Special School and the wider environment, to ensure adequate access and servicing (including a refuse cart) can be maintained to the existing adjacent housing and ensure that no undue associated congestion occurs on the surrounding roads.

9. APPROVAL CONDITION - Construction access [performance condition]

The new access to the site from Redbridge Lane shall be provided and made available for use before construction on the new school building commences. Construction traffic shall enter and leave the site via Redbridge Lane only, unless otherwise previously agreed in correspondence with the local planning authority.

REASON

In the interests of highway safety and to protect the residential amenities of those living close by.

10. APPROVAL CONDITION – Access construction details [pre-commencement condition]

No development hereby permitted shall be commenced until the Local Planning Authority has approved in writing:-

- (i) A specification for the type of construction proposed for the new access roads including all relevant horizontal cross-sections and longitudinal sections - especially of any proposed speed reduction tables - showing existing and proposed levels together with details of street lighting - referred to in condition 15 below - and the method of disposing of surface water.
- (ii) A programme for the making up of the roads and footpaths.

The access shall be upgraded and made available for use in accordance with the agreed details prior to the new school building coming into use and thereafter retained as approved. With the exception of emergency service vehicles, the new access from Redbridge Lane shall be the only point of entry for vehicles to the site.

REASON:

To ensure the access is constructed to a satisfactory standard.

11. APPROVAL CONDITION – Foul and surface water disposal [pre-commencement condition]

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent flooding and inundation of the foul sewerage system.

12. APPROVAL CONDITION – Sewer protection [pre-commencement condition]

The developer must advise the local authority of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason: To protect the sewer and to prevent pollution of the environment.

13. APPROVAL CONDITION – Water main protection [pre-commencement condition]

The developer must agree with the local planning authority, prior to commencement of the development, the measures to be undertaken to protect the public water supply main.

Reason: To protect the water main and to prevent flooding.

14. APPROVAL CONDITION - CCTV system [pre-commencement condition]

Before the use is first commenced details of the submitted scheme for a CCTV system to comprehensively cover the site including all public entry points, car parks, MUGA's and new adult football pitch, shall be fully installed and operational prior to the approved school use first commencing. That system shall be maintained in working order and operated at all times when the school is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

REASON

In the interests of crime reduction and visitor/staff/pupil safety.

15. APPROVAL CONDITION – External Lighting [performance condition]

The submitted scheme of external lighting shall be provided in accordance with the details hereby approved prior to the school first coming into use. The lighting shall be thereafter retained as approved.

REASON

In the interests of crime prevention and highway safety.

16. APPROVAL CONDITION – Ecology Mitigation Statement [pre-occupation condition]

Prior to school use first commencing, the developer shall implement the programme of habitat and species mitigation and enhancement measures, [as set out in the ecology reports submitted with the application] unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this shall include replacement mature tree planting to establish a continuation of the existing foraging corridor for bats, which is being disturbed to accommodate the new MUGA.

Reason

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

17. APPROVAL CONDITION – Protection of nesting birds [Performance Condition]

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

REASON

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

18. APPROVAL CONDITION- No other points of access [performance condition]

No points of access to the site other than those hereby approved shall be formed unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of crime prevention.

19. APPROVAL CONDITION – Playing Pitch Quality [pre-commencement/performance condition]

Prior to the commencement of the development hereby permitted, details of a scheme to improve the quality of the proposed adult football pitch, including adequate drainage and a subsequent management programme shall be submitted to and approved by the Local Planning Authority. The works should be sufficient to ensure that the quality of the playing pitches meets the requirements of the school and community use. The approved improvement scheme shall be implemented in full prior to the commencement of use of the development and subsequent management shall be in full accordance with the approved programme.

Reason: To ensure that the sports pitches are of an appropriate quality and fit for purpose as playing fields.

20. APPROVAL CONDITION – Playing Pitch Provision [performance condition]

Prior to the first occupation of the development hereby permitted the sports pitches shall be laid out in accordance with the permitted application details, specifically 'the Site Plan Proposed' (drawing number OAS_A_2356-JW-003 or any subsequent amendment thereto as may be agreed in correspondence with the local planning authority). The sports pitches shall remain available for use thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure than appropriate number and type of sports pitches are provided in accordance with the application details.

21. APPROVAL CONDITION - Playing Pitch Provision [performance condition]

The new adult football pitch and Multi-Use Games Area shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing field and Multi-Use Games Area from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches.

22. APPROVAL CONDITION – Playing Pitch Protection [pre-commencement/performance condition]

Before the development hereby permitted is commenced details of temporary protective fencing to be erected around the existing playing fields on the wider 5 Acre Field outside the application site, to include location, height, type and materials shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to the commencement of development on the site, and shall be maintained for the duration of the works and removed upon completion of the development.

Reason: To ensure the safe and efficient use of the existing playing fields at Five Acre Field.

23. APPROVAL CONDITION – MUGA use restriction [performance condition]

The MUGA and its associated floodlighting shall not be used outside the hours of:

08:00 and 22:00 Monday to Friday;
08:00 and 22:00 on Saturday; and
10:00 and 18:00 on Sunday and public holidays

Unless otherwise agreed in advance and in correspondence with the Local Planning Authority.

Reason: To allow the floodlit facility to stay open for use as long as possible for the development of sport/increase participation into sport whilst balancing the needs of amenity and sustainability.

24. APPROVAL CONDITION – Sports facilities provision [performance condition]

The proposed sports facilities hereby permitted shall be constructed in full accordance with the submitted drawings.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable.

25. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a phased 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.

26. APPROVAL CONDITION – Archaeological 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.

27. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]

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

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

28. 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.

29. 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.

30. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement 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.

31. 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.

32. APPROVAL CONDITION – Sight lines [Pre-Commencement Condition]

No development shall take place until the site access onto Redbridge Lane is constructed with the visibility splays of 2.4m. by 70m. to the north east, 90m. to the south west by 1m. and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1m. above the level of the existing carriageway at any time.

Reason

In the interest of highway safety.

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

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

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

34. APPROVAL CONDITION - Arboricultural Method Statement [Pre-Commencement Condition]

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

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

REASON

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

35. PERFORMANCE CONDITION – Underpass supervision

Academy staff shall be on duty at both of the underpasses at the start and finish times of the school day.

REASON:

In the interests of crime prevention.

36. PERFORMANCE CONDITION – Construction access and routeing

All construction traffic shall enter the site via the new Redbridge Lane access only, arriving from and departing to the junction of Romsey Road/Redbridge Lane and shall be subject to a routeing agreement to be submitted to and approved by the local planning authority before the development commences, unless any extended period is agreed in correspondence with the local planning authority. Once approved, that routing agreement shall be observed throughout the construction period. In particular, no such traffic shall pass through the adjacent Hillyfields area to the south-west.

REASON

In the interests of highway safety.

Notes to Applicant

It is recommended that the drainage assessment and improvement/management scheme is undertaken by a specialist turf grass consultant.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

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

Permission is required under the Highway Act 1980 to construct a vehicular access. Please contact the Chief Engineer, Hampshire Highways West, Jacobs Gutter Lane, Hounslow, Totton, SOUTHAMPTON, SO40 9TQ (02380 663388) at least 6 weeks prior to the works commencing for detail of the procedure.

This application has been inspected by Hampshire Constabulary: It is suggested the number of doors into the building is reviewed and to ensure security is maximised a condition of planning included for the building to achieve Secured by Design.

Application 10/01283/R3CFL**POLICY CONTEXT**City of Southampton Core Strategy - (January 2010)

CS11	An Educated City
CS13	Fundamentals of Design
CS14	Historic environment
CS18	Transport: reduce-manage-invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood risk
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban design principles
SDP7	Context
SDP8	Urban form and public space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable energy
SDP16	Noise
SDP17	Lighting
SDP21	Water quality and drainage
SDP22	Contaminated land
NE4	Protected Species
HE6	Archaeological remains
CLT3	Protection of Open Spaces
TI2	Vehicular access

Supplementary Planning Guidance

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

Other Relevant Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPG17	Planning for Open Space, Sport & Recreation
PPS23	Planning & Pollution Control
PPG24	Planning & Noise
PPS25	Flood risk

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Application 10/01283/R3CFL**Relevant On-site Planning History**

12398/1560/C1 06.11.1979 Outdoor leisure centre	Conditionally Approved
12398/CO4/1659 19.03.1985 Provision of BMX track	Conditionally Approved
12398/861377/WC 17.12.1986 road simulating cycle training track	Conditionally Approved

**Relevant off-site planning history relating to 5 Acre Field/Lord's Hill
Outdoor Recreation Centre**

10796/1396/41 28.07.1970 School for physically handicapped	Conditionally Approved
12398/1560/C1 06.11.1979 Outdoor leisure centre	Conditionally Approved
12398/1576/C1 25.10.1980 Plant store and pavilion (West Southampton Sports Club)	Conditionally Approved
12398/1666/W20 03.09.1985 Flood lights for training purposes (Millbrook RFC)	Conditionally Approved
970405/W 29.10.1998 Demolition of existing sports hall and erection of a new indoor tennis club and fitness centre	Conditionally Approved
04/01220/FUL 28.09.2004 Erection of a 1.1m high barrier and hard standing around existing football pitch, installation of 1 no. stand 2 no. dug-outs and 8 no. floodlights and continued use of the temporary (QK Southampton FC)	Conditionally Approved

**Relevant off-site planning history adjacent to 5 Acre Field/Lord's Hill
Outdoor Recreation Centre**

09/01706/OUTS
14 .04.2010

Refused by **Test Valley Borough Council**

Residential development of up to 350 dwellings with open space, landscaping,
vehicular and pedestrian access

Allowed at Appeal 3.11.2010 under reference **APP/C1760/A/10/2127652**
appended hereto as **Appendix 3**.



Appeal Decision

Inquiry opened on 8 September 2010

Site visit made on 10 September 2010

by **B J Sims** BSc CEng MICE MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

Appendix 3

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
3 November 2010

Appeal Ref: APP/C1760/A/10/2127652

Land at Redbridge Lane, Nursling, Hampshire, SO16 0XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Tim Jobling - Trustees of the Barker Mill Estates - against the decision of Test Valley Borough Council.
- The application, Ref 09/01706/OUTS dated 24 August 2009, was refused by notice dated 14 April 2010.
- The proposal is for residential development of up to 350 dwellings with open space, landscaping, vehicular and pedestrian access.
- The Inquiry sat for 6 days on 8-10 and 14-17 September 2010.

Decision

1. I allow the appeal and grant outline planning permission for residential development of up to 350 dwellings with open space, landscaping, vehicular and pedestrian access on land at Redbridge Lane, Nursling, Hampshire, SO16 0XN, in accordance with the terms of the application, Ref 09/01706/OUTS, dated 24 August 2009, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The application form nominates the matter of access for detailed consideration but the Council considered the proposal entirely in outline. I therefore deal with the appeal in the same way. However, I take into account illustrative material submitted with the application, in particular the Parameters Plan Ref TRUW2007-06 Rev C [*Listed Plan B*] and the Design and Access Statement [DAS] of August 2009 together with an addendum to the DAS of July 2010 [*Listed Documents 19.1-2*].
3. The Appellants and the Council have provided a series of seven legal planning agreements [*Agreements 1-7*] under s106 of the Act as amended [*Documents 3.1 to 3.7*]. These provide for a range of facilities and financial contributions intended to meet Reasons for Refusal 4 to 7 [RRs4-7] relating to ecology [RR4], highways [RR5], sustainable travel [RR6] and other infrastructure considerations [RR7]. The agreements provide for community facilities [1], recreational facilities [2], off-site access and woodland management at Fields Farm [3], affordable housing [4], landscaping and open space [5], education [6], highways improvements and a travel plan [7]. I take these planning obligations into account in as much as they are material to my decision and refer to them in more detail below.

Planning Issues

4. The main issues in the determination of the appeal are:
 - i. The effect the proposed development would have on the remaining Local Gap between Nursling and the Southampton City boundary, including with respect to landscape impact, taking into account current local policy designating the Local Gap, together with other material considerations of emerging policy and development patterns.
 - ii. The degree of need for the proposed housing in terms of the five year housing land supply [HLS] required by national policy to be provided.

It is also necessary to consider:

- iii. a range of other concerns raised by the Parish Council, residents and other interested parties regarding such matters as the Home Covert Site of Importance for Nature Conservation [SINC], wildlife, traffic, public open space and recreation, design quality, visual amenity and housing density.
- iv. the provisions for access and infrastructure to support the development and control its effects on the environment by way of the submitted planning agreements, including whether such provision should include a contribution toward the development of the proposed Oasis Academy, to be located nearby but within the Southampton City boundary.
- v. potential benefits of the development, including with respect to affordable housing and design quality.
- vi. the planning conditions required to ensure that the development would proceed in an acceptable manner and as outlined by the Parameters Plan and in the DAS, taking account of conditions agreed without prejudice between the Appellants and the Council.

Reasons

Local Gap

Policy

5. The appeal site lies within a Local Gap protected by Policy SET05 of the adopted Test Valley Borough Local Plan and is also outside the settlement of Nursling, where Policy SET03 of the Local Plan generally resists development. The proposal would thus be in conflict with statutory local policy whereby, under section 38(6) of the Act as amended, the appeal should not be allowed unless material considerations indicate otherwise.
6. The Local Gap designation between Nursling and urban Southampton was deleted from the Core Strategy that was published in 2008 but withdrawn in August 2009. The Core Strategy is not due to be resubmitted until June 2012 nor adopted until December 2012. Accordingly, the former proposal to delete the Local Gap carries little weight in itself.
7. More important is the fact that the Council, in response to local objection to the deletion of the Local Gap, has decided to defend it in relation to this appeal,

citing the strong support it received from the Inspectors in their Report on the Local Plan Inquiry in 2005. Due weight must be given to this view in line with current ministerial advice favouring local decision making.

Emerging Development Pattern

8. When the Local Gap was retained in the Local Plan in 2005, it was already foreseen that it would be partly eroded by development at Adanac Park and the nearby Tennis Centre to the south and west of the residential area of Hillyfields, such that the open grazing land of the appeal site north east of Hillyfields and the woodland of Home Covert to its north west now form the bulk of the remaining Gap separating the centre of Nursling from the City boundary along Redbridge Road. Furthermore, the playing fields within Southampton on the south east side of Redbridge Road were excluded from local gap designation in the Southampton Local Plan Review.
9. The result is that a substantial degree of coalescence has taken place in practice. However, the sense of a separate identity within the centre of Nursling is maintained by the presence of Home Covert, even accepting that the appeal site now appears as an open space in an urban context.

Landscape

10. There is no doubt that the proposed development would have a significant visual impact on an area enjoyed locally for its openness from several public viewpoints, including along footpaths across it which would continue to exist, albeit again in an urban context.
11. However, in the wider, largely flat, urban landscape, the proposed development would have no more than a minor negative impact beyond the confines of the site itself. This view is supported by the Landscape Visual Impact Assessment [LVIA] undertaken for the Appellants. The LVIA classifies the site as being of medium landscape sensitivity and thus having some ability to absorb development, a view accepted by the Council.
12. Moreover, as illustrated, the scheme would retain and improve the hedged and landscaped road boundary of the site and add landscape buffers alongside Home Covert, such that views of the houses from outside the site would be filtered by tall trees.
13. The proposed development would not therefore have a significant adverse impact on landscape or settlement character as protected by Policies DES01 and DES02 of the Local Plan.

Conclusion on Local Gap

14. Whilst a substantial degree of urban coalescence has already taken place, eroding the Local Gap, the sense of separation of Nursling centre would be substantially preserved by Home Covert, even with the proposed development in place and, moreover, the surrounding landscape would not suffer substantial harm. These factors mitigate the effect the proposed development would have on the Local Gap and are thus materially in favour of the appeal. However, there is still substantial objection to the development outside the settlement in the Local Gap because it would be contrary to Policies SET03 and SET05, as supported by the strong local views that the Local Gap should be maintained in

its present form to avoid undue urbanisation including light and air pollution and the resulting effects on human health and local wildlife. The conflict between the appeal proposal and the statutory development plan could only be overridden by other weighty material considerations, such as a substantial shortfall in housing land supply.

Housing Land Supply

Policy

15. Regional Spatial Strategies [RSSs] were revoked by the Secretary of State [SoS] in July 2010. Concurrent Government guidance makes clear that Planning Policy Statements [PPSs] remain in force as material considerations alongside adopted, saved and older local policies that have not lapsed. Local Planning Authorities [LPAs] are made responsible for establishing the right level of housing provision and for identifying a supply of housing land for their area, quickly signalling any intention to undertake early review of existing RSS targets. Housing numbers are to be justified in line with current national housing policy in PPS3. It is open to LPAs to replace RSS targets with the 'Option 1' numbers based on assessments put forward by the LPA, supplemented by more recent information as appropriate. Any target selected may be tested by the Local Development Framework [LDF] Examination process.
16. Significantly, the July 2010 guidance states that LPAs should have a five year supply of deliverable sites, thus reaffirming a longstanding essential provision of national policy which was unchanged when PPS3 was revised as recently as June 2010. Several recent appeal cases cited by the Appellants confirm the importance being placed upon the provision of a five year housing land supply, including Bata Field, East Tilbury¹ decided by the Secretary of State in June 2010.
17. On delivering a supply of land for housing, PPS3 at paragraphs 54 and 56-57 calls upon LPAs to identify, with reference to Strategic Housing Land Availability Assessments [SHLAAs] or other relevant evidence, a five year supply of deliverable sites which are suitable, available now, achievable and developable with a reasonable prospect that housing will be delivered within five years.
18. These provisions are expanded at paragraphs 39 and 40 of the Government SHLAA Practice Guidance of 2007 which state that a site is considered available when, on the best information, there is confidence that there are no legal or ownership problems and the land is controlled by an intending developer or owner with an intention to sell, irrespective of whether planning permission exists. An assessment needs to be made of how and when such legal or ownership problems can realistically be overcome. Achievability is essentially a matter of judgement about the economic viability of a site and the capacity of the developer to complete and sell the housing over the period required, as affected by market, cost and delivery factors, including projected timing and rates of build and sales and the number of developers involved.
19. On determining planning applications, PPS3 at paragraph 71 provides that applications for housing should be considered favourably where there is less

¹ APP/M9565/A/09/2114804 - 21 June 2010

than five years supply of deliverable sites, including with reference to a range of factors set out in paragraph 69. These include high quality design and a good housing mix.

20. Within the Borough of Test Valley, it is long-established practice that the strategic housing requirement is divided between the two areas of Northern and Southern Test Valley [STV] and that residential proposals in one area are not considered as meeting the needs of the other. This arrangement is consistent with the inclusion of STV in the area covered by the Partnership for Urban South Hampshire [PUSH] and is maintained by the Council in its current consideration of housing land supply, including in its evidence concerning this appeal. The Appellants adopt the same approach and it is not questioned by any party. Accordingly, I limit consideration of housing land requirement and supply to the area of STV, where the appeal site is located.

Requirement

21. The STV five year housing requirement following the revocation of the RSS is widely disputed in connection with this appeal. However, the range of figures discussed at the Inquiry for the next five complete years 2011/12 to 2015/16 is conveniently set down in a matrix [*Document 16*] with no dissent as to the arithmetical calculations by which they are derived.
22. Based on the Option 1 or adopted Local Plan figures, the STV five year housing requirement is some 1224 or 1240 units respectively, whereas the former South East Plan [SEP] requirement was 1056. However, following the revocation of the RSS, the Council has now adopted an interim provisional requirement of 965. This is based on the most recent research commissioned by PUSH comprising the Economic Development Strategy Preferred Growth Scenario. The Scenario includes a projected reduction in housing requirement from 80,000 to 74,000 in the PUSH area in the years 2006-26. The Council's new provisional requirement is derived by applying that reduction pro rata to the STV area. However, the Appellants point out that, if the same overall reduction is redistributed with reference to local factors and anticipated phasing, the five year requirement for STV rises to 1204, comparable with the Option 1 and Local Plan numbers and higher than the SEP figure.
23. In terms of current national advice, it would be appropriate for the Council to adopt the Option 1 figure, in effect supported by the adopted Local Plan at around 1224 to 1240 units and significantly higher than the SEP figure of 1056. However, consistent with the most recent Ministerial statements, due weight must also be accorded the lower provisional figure of 965 adopted by the Council which has duly signalled its intention to review its housing land provisions via the LDF system.
24. Notwithstanding this recently established principle, there are two points of concern which militate against such a course. First, the interim provisional figure, adopted as recently as September 2010, is drawn from a consultation document and is as yet untested with respect to public response. Second, there is logic in the contention of the Appellants that the effect of the latest PUSH figures on the STV requirement would be reduced if the overall reduction of 6,000 for the period 2006-26 were redistributed in line with local factors and

information, such that the five year requirement for STV would again rise to 1204 units.

25. In the circumstances it is not possible, nor appropriate in the context of this site-specific appeal, to conclude firmly as to the appropriate five year housing land requirement for STV. On the evidence available it would appear to lie between about 965 and 1240 dwellings with the higher end of that range carrying the greater weight.

Supply

26. The calculation of the STV housing supply figures is equally disputed but again the range of results, expressed in years, is contained in the same matrix [*Document 16*] with no dissent as to the arithmetic involved.
27. In claiming that a five year supply exists, the Council rely on two major sites performing to capacity between 2011 and 2016.
28. The first is the former Brewery Site with capacity to produce a further 210 dwellings in the five years to 2016 following the full completion in 2007 of 44 flats by conversion of the former Malthouse. However 19 of those units remain for sale by a developer with a reputation for slow delivery and no intention of commencing the new-build part of the site until the flats have been sold. A potential impediment of delayed provision of sewerage is being overcome in conjunction with the water authority contractor and the provision of an access footbridge, whilst subject to a legal agreement, need not prevent the occupation of the dwellings. At the same time, the developer is non-committal regarding the numbers of units to be completed beyond a mere 10 before 2012. Thereafter, delivery of the remaining 200 in the four years to 2016 appears unrealistic in the circumstances, given that typically even a high-performing developer would not usually expect to sell more than 50 units a year from a single site in average market conditions. Currently it is generally accepted that the housing market is depressed below average by the economic recession with no predicted timescale for recovery.
29. The second site is at Abbottswood where substantial progress is being made on reserved matter applications following the grant of outline permission for 800 dwellings in January 2010 and the promoters are intent on delivering some 775 units, or about 155 a year, by 2016 from two or possibly three developers. However, despite these positive signs, the price to be paid for the land under a long-standing and open-ended option agreement is currently the subject of non-binding arbitration such that the sale could stay uncompleted for years to come. It is broadly accepted that it would take three high-performing developers to achieve 155 sales a year. Therefore, despite the willingness of the owners in principle to sell the land and of the developers to proceed as soon as possible, the full projected delivery of 775 dwellings before 2016 again appears unrealistic in the current depressed market with uncertainty about the completion of the price of the land and the number of developers to be involved.
30. The Council adduce no evidence, whether by way of its SHLAA or otherwise, that there is any preferred alternative site to the appeal land, or to the Brewery and Abbottsfield sites, that might be made available to meet any shortfall in the five year a housing land supply.

31. The Ashfield Estate, which was represented at the Inquiry as offering such an alternative, did not in practice provide substantive evidence that any of its lands could provide a suitable alternative to the appeal site as a contribution to the five year housing land supply.

Conclusion on Housing Land supply

32. There is no dispute that that the same principles of assessment set out in PPS3 and the SHLAA guide for DPD preparation may properly be applied in connection with this appeal, particularly in terms of the availability of sites to deliver the required numbers of homes by 2016. Thus, in terms of that advice, there cannot be full confidence that outstanding legal and ownership problems can be overcome at Abbottswood. On both sites, properly judged on market and delivery factors as well as likely rates of build and sales, it would not be appropriate to apply the best case or fastest delivery five year figure of 1036 as advised to the Council by officers in connection with this proposal.
33. Instead, it appears realistic to calculate the five year supply with reference to either the slower rate reported to the Council resulting in a figure of 492 or the rate put forward by the Appellants as optimistic and resulting in a figure of 516. Applying this range of supply to the range of requirement figures between 965 and 1240, the five year housing land supply in STV is to be regarded as lying between 1.98 and 2.67 years, representing a substantial shortfall of between 2.33 and 3.02 years.

Other Matters of Concern - Planning Agreements – Potential Benefits

Ecology

34. There is concern locally that the proposed development would increase pressure due to human and animal access upon the sensitive woodland and wildlife of the adjacent Home Covert, which is a designated Site of Interest for Nature Conservation [SINC]. However, the Council no longer pursues RR4 in this connection and I am satisfied that objections represented by RR4 would be met by the Fen Meadow and woodland buffer within the site, together with the woodland management plan for Home Covert, all provided, among other landscape features, by Agreement 5. I agree with the Appellants that the formal management proposed would be likely to enhance the level of protection to the SINC, compared with the casual, free access currently available.

Highways and Sustainable Travel

35. There is a widespread belief among residents that the traffic generated by the proposal for up to 350 homes, especially at times of peak flow, would cause undue congestion, air pollution and danger to travellers along Redbridge Lane and across the local road network. However, there is no longer any highway objection from the Council in these respects, nor from the highway authority and the Council no longer pursue RRs5-6 on the basis that they are fully addressed by the highway improvements and travel plan provided by Agreement 7. Whilst I understand the misgivings of residents, there is no substantive evidence that leads me to disagree with the position of the Council. Indeed it is apparent that the development would bring about a degree of improvement of public benefit, particularly by the signalisation of the presently

awkward junction of Redbridge Road with the main Romsey Road and the residential street, Bakers Drove.

Public Open Space and Recreation

36. Agreements 1, 2 and 5 secure the provision and maintenance of community, sports, play and general recreational facilities, including a Linear Park beside Redbridge Road and a Local Green, as well as the refurbishment of the nearby Horns Drove Community Centre. Again, the Council is satisfied, and I agree, that, notwithstanding the obvious loss of the present open fields, these provisions comply with established open space and recreational requirements for new residential development. To the extent that the Parish Council assert that funds already exist for recreational use of land off Jo Bigwood Close at the north east end of the site, that part of the Appellant's obligation would carry diminished weight in favour of the appeal but this is a minor consideration in relation to the broad scale of financial contributions that are otherwise justified.
37. There is an understandable tendency for the public to confuse the foregoing matter of public open space [POS] required in immediate connection with the residential development, and compensatory Suitable Alternative Natural Green Space [SANGS] required to offset increased public usage of the New Forest. The Fields Farm Management Plan, provided by Agreement 3, would ensure woodland management and public access over 18ha of land off Rownhams Lane at Lords Meadow. Although this area is relatively remote from the appeal land, in terms of its wider purpose related to the New Forest I consider its distance from the appeal site to be of little significance, a view borne out by the absence of any objection from English Nature in this respect.

Design Quality, Visual Amenity and Housing Density

38. Notwithstanding some public scepticism, the Council no longer raises objection on grounds of design quality, nor does it challenge the claim of the Appellants that the development would adopt a high quality of architectural design, layout and landscaping, as illustrated in the DAS and its addendum which are cited in the agreed conditions to be imposed upon any permission. It is apparent on that basis that, if the development were to go ahead, a high quality design could be secured.
39. Many existing residents are concerned about the urbanisation of the appeal site and consequent loss of open outlook from their homes. However, whilst substantial visual change is inevitable if the scheme proceeds, there is no reason to suppose that the development could not be designed to obviate unacceptable loss of visual amenity in planning terms, given that there is no entitlement to a particular view from any property.
40. As for the density of the proposed housing in dwellings per hectare [dph] following the deletion of the indicative minimum of 30dph from PPS3, there is no reasoned evidence that the site could not accommodate 350 dwellings without compromise to design quality or good planning. As the proposal is expressly for up to 350 dwellings and is entirely in outline, the actual number of houses, and hence their density, is still for consideration by the Council as part of a later reserved matter application.

Education - Claim by Southampton City Council [SCC]

41. I have no reason to doubt that Agreement 6 provides appropriately for staged financial contributions to primary education within the Borough of Test Valley.
42. A claim by SCC that the development should make an additional contribution toward the projected Oasis Academy, putatively about £30,000 toward access off Redbridge Road, was not made out, being unsupported by reasoned evidence that such a contribution would be necessary to the development, especially given on one hand that full funding is available and on the other that no planning permission yet exists. Furthermore, there is no evidence of how much demand for Academy places might arise from the proposed development, located outside the Southampton City limits.

Affordable Housing

43. Neither do I have reason to doubt that Agreement 4 provides for an appropriate percentage of affordable housing, contributing to an acknowledged local need.

Conclusion on Other Concerns, Planning Agreements and Potential Benefits

44. In short, all other matters of concern are either for consideration as reserved matters, or are properly addressed by planning conditions, or by the seven Planning Agreements, the provisions of which apparently comply with the tests of the Regulation 22 of the Community Infrastructure Levy Regulations 2010 in terms of necessity, acceptability and direct, fair and reasonable relationship to the development.
45. In addition, there would be a range of benefits resulting from the proposed development. It would provide affordable housing for which there is an acknowledged local need and the housing would be designed to a high quality, an attribute given significant weight by the SoS in the aforementioned East Tilbury case². Further, the proposed housing would be well located with respect to employment opportunities, at nearby Adanac Park especially. There would also be the highway improvement at the Romsey Road junction and enhanced management of the Home Covert SINC.

Planning Conditions

46. The planning conditions agreed without prejudice during the Inquiry [*Document 26*] are compliant with the tests of Circular 11/95 with respect to necessity, relevance, precision, reasonableness and enforceability. Condition 1 applies the usual time scales for approval of reserved matters and implementation. Conditions 2—8, 10 and 34-35 are necessary to ensure that the development is implemented in accordance with the Parameters Plan and the DAS so as to secure the particular landscape, design and sustainability features and limits on building heights essential to its acceptability. Condition 9 is required to ensure that potential land contamination due to previous landfilling on the site is remedied before development takes place. Conditions 11-13 properly regulate noise and environmental impact during construction. Conditions 14-22 appropriately require necessary highway improvements, access and parking to

² APP/M9565/A/09/2114804 – 21 June 2010

established standards to be provided during construction and thereafter. Condition 23 ensures safe working near gas mains. Conditions 24-26, 28 and 33 provide for tree protection and landscaping including the Landscape Buffer to Home Covert, the Local Green, the Linear Park and protection to the Fen Meadow and access to them. Condition 27 ensures appropriate access including for the disabled. Conditions 29-31 provide for a sustainable drainage system and flood risk mitigation. Condition 32 safeguards protected species.

Overall Conclusion

47. The impact the proposed development would have on the designated Local Gap contrary to statutory policy, and the strongly held views of elected Councillors and residents against the appeal, carry great weight. However, the identified shortfall of well over two years, and possibly a little over three years, below the required five year housing land supply weighs heavily in favour of the proposal with respect to paragraph 71 of PPS3 and the emphasis the Government continues to place via PPS3 upon local planning authorities maintaining a five year supply.
48. There is no requirement in national policy to make comparison with alternative sites and in any event there is no substantive evidence that any more suitable site could be brought forward in place of the appeal land within five years. Moreover, the processes of submission and adoption of a new Core Strategy to provide tested policy on housing land requirements and site allocations are not due to be completed for more than two years.
49. On the question whether current adverse market forces could result in a delay to the delivery of the appeal site itself, it is the maintenance of a five year supply that is the crucial consideration and the appeal site evidently suffers none of the potential impediments attributable to the Brewery and Abbottswood sites and is truly available for full development within five years when judged on equal terms with reference to PPS3.
50. Taking into account that the separate identity of the centre of Nursling would be substantially maintained and that negative landscape impact beyond the site itself would be minor, on a balance of judgement the shortfall in the housing land supply is sufficiently serious to override the conflict with Local Plan Policies SET03 and SET05. For this reason the appeal succeeds.
51. The several benefits that would be secured by planning obligation and condition, in particular affordable housing and high quality design, whilst not decisive either together or individually, add a further degree of support in favour of the appeal proposal.
52. Finally, the Council cites two recent appeal dismissals by the Secretary of State in support of its case. At Newham Farm, Truro³ however, although there was a significant housing land shortfall as in the present case, there was also serious environmental harm due to the sensitivity of Truro and the Cornwall AONB. At Binhamy Farm, Bude⁴, the proposal was comparable with the present case in that it was contrary to local policy but not highly visible and would have contributed to the stock of affordable housing. Crucially however, there was

³ APP/D0840/A/09/2109056 – 22 July 2010

⁴ APP/D0840/A/09/2115945 – 3 August 2010

greater than a five year housing land supply. I gather that the latter decision is now subject to legal challenge. In any event, neither case is directly comparable with the land at Redbridge Lane, Nursling and therefore neither case substantially influences the outcome of this appeal, which I decide on individual merit.

B J Sims

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than which ever is the later of the following dates:
 - i) five years from the date of this permission: or
 - ii) two years from the final approval of the said reserved matters,or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Approval of the details of the layout, scale, appearance, access and landscaping (herein called "the reserved matters") for each development plot, as shown on the Parameters Plan Ref TRUW2007-06 Revision C dated 10 November 2009 (hereinafter referred to as "the Parameters Plan"), shall be obtained from the Local Planning Authority in writing before any development is commenced within each development plot or area.
3. The development hereby permitted shall be carried out in substantial accordance with the Land Ownership Block Plan Ref TRUW2007-05 dated 20 August 2009 and the Parameters Plan Ref TRUW2007-06 Revision C submitted as part of the application with the following details fixed as part of this outline planning permission:
 - The Fen Meadow
 - Home Covert Buffer (C)
 - Home Covert Buffer (B)
 - The Local Green
 - The Green Link
 - The Main Spine Road
 - The Linear Parkand subject to the "Home Covert Buffer (A)" on the Parameters Plan having a minimum depth of 10m from the boundary of the site and no dwellings shall be orientated so that rear gardens abut this buffer, unless otherwise agreed with the Local Planning Authority.
5. Within each development plot, as shown on the Parameters Plan, no development shall commence until details, including plans and cross sections, have been submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the development plot, and the level of the ground floor slabs and damp proof courses in relation thereto. The development shall be carried out in accordance with the approved details.
6. No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the Design and Access Statement dated August 2009 and its Associated Annex dated July 2010, and Design Code as submitted in respect of Condition 8.
 8. No development shall take place until a Design Code has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall be prepared in accordance with the principles set out in the Design & Access Statement dated August 2009 and its Associated Annex dated July 2010 and development shall be carried out in accordance with the approved details.
 9. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 -Investigation of Potentially Contaminated Sites - Code of Practice;
and (unless otherwise agreed in writing by the Local Planning Authority)
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
and (unless otherwise agreed in writing by the Local Planning Authority)
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminated land and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
 - (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition 9(i)c that any remediation scheme required and approved under the provisions of condition 9(i)c has been implemented fully in accordance with the approved details (unless otherwise agreed in writing with the Local Planning Authority in advance of implementation). Unless agreed in writing by the Local Planning Authority such verification shall comprise:
 - a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination;Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9(i)c.
10. Within each development plot, as shown on the Parameters Plan, no development shall take place until samples and details of the materials to be

used in the construction of all external surfaces within the development plot have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

11. All construction work in relation to the development hereby approved, including works of preparation prior to operations, shall only take place between the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturdays and at no time on Sundays or Public or Bank Holidays.
12. There shall be no clearing of trees, hedgerow or areas of scrub in association with the construction of this development during the months of March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to the commencement of development on each plot as defined in the Parameters Plan a Construction Environmental Management Plan detailing the mitigation measures upon the environment during the construction of each plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
14. No development shall take place within the application site until such time as the details of the Romsey Road/Redbridge Lane/Bakers Drove junction layout have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until such time as this junction has been constructed in accordance with the approved details.
15. No development shall take place within the application site until such time as the details of the access junctions to the site, and means of closure to any existing vehicular site access points have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until such time as the access junctions have been constructed and any other existing vehicular accesses into the site have been physically and permanently closed all in accordance with the approved details.
16. No development of any development plot, as shown on the Parameters Plan, shall be commenced on site until the details of:
 - (a) the width, alignment, gradient, forward and junction visibility splays in accordance with the agreed design speed and surface materials for any proposed roads/footway/footpath/cycleway including all relevant horizontal and longitudinal cross sections showing existing and proposed levels;
 - (b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution;
 - (c) the method of highway drainage;have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
17. No development of any development plot, as shown on the Parameters Plan shall be commenced on site until the details of cycle parking have been submitted and approved in writing by the Local Planning Authority. No unit on the plot to which the submitted details refer to shall be occupied until its

approved cycle parking has been provided. The approved cycle parking shall be retained thereafter for its intended purpose.

18. Any garage/car port which faces directly onto the highway shall be built at least 6m from the highway boundary.
19. Any single garage on the site shall measure a minimum of 3m x 6m internally and any double garage on the site shall measure 6m x 6m internally. Either shall be constructed as such, unless the proposed residential property is also served by at least a separate bicycle shed, in which case any single garage shall measure a minimum of 3m x 5m internally and any double garage shall measure 6m x 5m internally unless otherwise agreed in writing by the Local Planning Authority. Any garage on the site shall be made available for the parking of motor vehicles at all times.
20. At least 4.5m of any access track to the highway measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.
21. No development of any development plot, as shown on the Parameters Plan, hereby permitted shall be commenced on site until the details of the provision to be made for the parking and turning on site of operatives' and construction vehicles during the contract period specific to the development plot the submitted details refer to shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.
22. No development of any development plot, as shown on the Parameters Plan hereby permitted shall be commenced on site until the details of the measures to be taken to prevent mud from vehicles leaving the site during the construction works being deposited on the public highway, specific to the plot to which the submitted detail refer to, shall be submitted to and approved by the Local Planning Authority in writing and fully implemented before the development commences. Such measures shall be retained for the duration of the construction period.
23. No development shall take place on site until hand dug trial holes have been undertaken to confirm the position of mains gas pipes on the periphery of the site, details of which shall be submitted to and agreed in writing by the Local Planning Authority. No mechanical excavations shall take place above or within 0.5 metres of any low and medium pressure gas pipes or 3 metres of the intermediate pressure system.
24. Within each development plot, as shown on the Parameters Plan, no development shall take place until full details of hard and soft landscape works for that development parcel including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to that plot has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished contour levels; boundary treatments; means of enclosure; and hard surfacing materials (where appropriate) and maintenance schedules for a minimum period of 5

- years. The landscape works shall be carried out in accordance with the implementation programme.
25. Prior to the occupation of any dwellings or buildings within each development plot as shown on the Parameters Plan, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within that plot; and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.
 26. No development shall take place until full details of hard and soft landscape works for the provision of the Local Green and the Linear Park, landscape works and the enclosure of and the protection of the Fen Meadow and Home Covert Buffers A-C as defined on the Parameters Plan including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities, and an implementation programme specific to the Fen Meadow has been submitted to and approved in writing by the Local Planning Authority. These details shall also include proposed finished levels of contours; boundary treatments; means of enclosure; and hard surfacing materials including the boardwalk details across the Fen Meadow and maintenance schedules for a minimum period of 5 years. The landscape works shall be carried out in accordance with the implementation programme.
 27. No development within each development plot, as shown on the Parameters Plan, shall take place on site until a scheme indicating the provision to be made for all groups of people (including disabled, children etc) to gain access to the buildings within that plot has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is first brought into use.
 28. No development shall take place on site until a fully detailed access management plan has been submitted to and agreed in writing by the Local Planning Authority. The management plan shall cover the Fen Meadow and Home Covert Buffers A-C, incidental open space areas, the Local Green, the Redbridge Lane Hedgerow/Linear Park and the Home Covert Woodland. The Management plan shall include the principles of the proposed management prescriptions; the appointed management organisation and funding arrangements; the management team and how it will operate; and how public involvement will be arranged. The management plan shall be implemented in accordance with the agreed details.
 29. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented before the development is completed and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - (a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site
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and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- (b) a timetable for its implementation; and
- (c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
30. No development shall take place on the site until details of the sustainable disposal of foul water and the measures to divert waste water from this development and protect the public water mains has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before any part of the development is first occupied.
31. The development shall fully comply with the Flood Risk Mitigation Measures as detailed within the Mott MacDonald Flood Risk Assessment of November 2009 (FRA) before any unit is occupied.
32. The development shall be carried out in compliance with Part 3.0 of the Protected Species and Habitats Mitigation Strategy prepared by Ecosa and submitted on 16th November 2009 (and subsequently amended August 2010).
33. Notwithstanding the submitted Arboricultural Impact Assessment, no physical land clearance or ground works shall take place on site until an arboricultural and hedgerow method statement has been submitted to and approved in writing by the Local Planning Authority. All site work shall then be undertaken strictly in accordance with the requirements, specifications and timing detailed within the approved method statement. Specifically the method statement must:
- Include a schedule of all trees and hedgerows to be retained within or adjacent the site. The schedule is to include the required root protection areas calculated in accordance with the procedures as set out in Table 2 of British Standard 5837:2005.
 - Include a specification for tree/hedgerow protective fencing that shall be either in accordance with Figure 2 of British Standard 5837:2005 or as otherwise agreed in writing with the Local Planning Authority.
 - Confirm the timing of the erection and dismantling of such protective fencing, which must in any case be erected prior to commencement of any site clearance or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.
 - Include a plan at, at least 1:200, detailing the location of such tree protective fencing, including annotation that such fencing shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
 - Require a sign to be fixed to such tree protective fencing, repeated as necessary, which clearly states 'Construction Exclusion Zone, Do Not Enter, Do Not Move This Fence', or such other similar wording as may be agreed in writing with the Local Planning Authority.
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- Include a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development shall be installed wholly outside the protection zones.
 - Demonstrate that all proposed structures will be built without the construction process causing adverse impact upon the retained trees and hedgerows or required protection zones.
 - Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractors' parking areas remain wholly outside any tree protection zones and at a sufficient distance to prevent damage to retained trees and hedgerows.
 - Include details of any specific precautions to be adopted where scaffolding may be required to be erected within the required minimum distances in line with Figure 3, chapter 9 of British Standard 5837:2005.
 - Include a schedule of all tree felling and tree surgery works proposed, including confirmation of phasing of such work and specification that work should be undertaken in accordance with British Standard 3998.
 - Include briefing notes that shall be included within all site induction briefings for all site operatives to make them aware of the presence of the protected trees and the necessity of respecting the tree protection measures.
34. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved
35. The ridge height of any buildings on site shall not exceed the described storey height and be no more than the height in meters as described below as measured from ground level:
- Detached House – 9m (two storey)
 - Mews House – 9m (two storey)
 - Semi-Detached House – 9m (two storey)
 - Terraced House – 9m (two storey)
 - Flats – 10m (two and a half storey)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Adrian Trevelyan-Thomas of Counsel
instructed by the Test Valley Borough Solicitor

He called

Mr Andrew Patrick	Director
DiplArch DipTP RIBA	Pro Vision Planning and Design
MRTPI MCMi	
Mrs Linda Oak	Principal
AMLI	Linda Oak Landscape Design Ltd

FOR THE APPELLANTS:

Mr Richard Phillips of Queens Counsel
instructed by Turley Associates

He called

Mr Will Harley	Senior Landscape Architect
BScHons CMLi	DLA (Landscape and Environmental Planners) Ltd
Mr Mark Hewett	Director
	Intelligent Land property consultancy
Mr Stuart Irvine	Associate Director
MA BAHons DipTP MRTPI	Turley Associates

INTERESTED PERSONS:

Cllr Paul Holmes	Member for Redbridge Ward Southampton City Council
Mr Steve Lawrence	Site development Team Leader Southampton City Council
Mr Oliver Gill	Childrens Services Southampton City Council
Mrs Julia Barrett LLB	Nursling and Rowhams Parish Council [NRPC]
Mr Doug Cramond	Planning Consultant to the Ashfield Estate
Mr Roy Bishop	Local Resident
Mr Fred Lyon	Local Resident
Mr Tony Musson	Local Resident
Mr Tony Seaton	Local Resident
Mr Michael Lund Yates	Local Resident
Mr Michael Maltby	Parish Councillor and Local Resident
Mr R S Snowden	Local Resident
CEng MIStructE	
Mrs Eileen Dwyer	Local Resident
Mrs Linda Carmody	Local Resident
Mr Paul Jones	Local Resident
Mrs Lorraine Wheeler	Clerk to NTPC spoke as a Local Resident and represented Mr Michael Walton, Local Resident and presented a petition from other residents unable to attend the Inquiry
Mr J C Metcalfe	Local Resident
Mrs Jean Keen	Local Resident
Mrs Anne Buckell	Local Resident
Mrs Sheila Ford	Local Resident
Mr E Wyatt	Local Resident
Mr Michael Walton	Local Resident

DOCUMENTS

- 1.1-6 Lists of Persons attending the Inquiry
- 2 Letters from Interested Persons
- 3.1-7 Planning Obligations
- 4 Mr Patrick – Proof
- 5 Mr Patrick – Appendices
- 6.1-9 Mr Patrick – Additional Documents
- 7 Mrs Oak – Proof and Appendices
- 8 Mr Irvine – Proof
- 9.1-2 Mr Irvine – Appendices
- 10 Mr Hewett Proof and Appendices
- 11 Mr Harley Proof and Appendices
- 12 Mr Irvine and Mr Hewett Rebuttal to Mr Patrick’s evidence
- 13 Mr Harley Rebuttal to Mrs Oak’s evidence with additional information and photographs
- 14 Appellants Opening Submissions
- 15 Council Opening Submissions
- 16 Mr Irvine – Summary Matrix of Housing Land Supply figures
- 17.1-2 Planning Agreement and land registry plan – Romsey Brewery and Testway sites
- 18 Option Agreement – Abbottswood Site
- 19.1-2 Design and Access Statement August 2009 and Addendum July 2010
- 20.1-18 Transcripts and Petition from Interested Persons who spoke against the proposal at the Inquiry
- 21 Email from Eastleigh BC re Housing Provision
- 22 Strategic Housing Land Availability Assessment
- 23 Council Closing Submissions
- 24 Appellants Closing Submissions
- 25 Statement of Common Ground
- 26 Revised Conditions submitted at Inquiry

PLANS

- A Block Plan TRUW2007-05
[Application Site Boundary]
- B Parameters Plan TRUW2007-06 Rev C
- C Existing Site Survey TRUW2007-01
- D Topographical Plan TRUW2007-02
- E Tree Protection Survey TRUW2007-03
- F Land Ownership TRUW2007-04
- G Landscape Masterplan 315.03 Rev B
- H Phasing Plan TRUW2007-09
- I Access Junction Concept
- J Access Tee-Junction Concept
- K Green Infrastructure TRUW2007-11 Rev A

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From: Ben Marston [mailto:Ben.Marston@jesticowhiles.com]

Appendix 4

Sent: 06 December 2010 12:23

Please find our response below:

The idea of the use of a darker blue-grey brick came as much from the Academy as from ourselves as architects. There was a desire not to have a building that looks like every other one, but to have one which looked a little different, but also encapsulating the nature of being an Academy and celebrating the specialism of the Arts. The choice of the blue-grey colour brick, is a deliberate contrast with the vibrant colour of the panelised theatre which forms the corner piece on the eastern and northern elevations, and celebrates the Academies specialism right on the frontage. A corner of the theatre is then 'peeled back to reveal the activity within as people approach. This bold use of colour is continued as an accent colour around the elevations. In our view, the effect of the colour is heightened by the use of the darker brick. The main entrance being celebrated with a triple-height glazed frontage, which again is accented against the darker brick. We think this elevation works well in its context.

We disagree that the material choice makes the building look forbidding and austere. The substantial quantities of glass, the accenting of coloured panels, combined with the green setting of the preserved existing trees and new planting, will not give that impression, in our opinion. At the time of the pre-application meeting, the materials palette was not fully determined, but was illustrated in the material provided. The palette of materials was however carefully selected in consultation with the school, and formed a key part of the public consultation exercise. There were no adverse comments made about the material selection - samples were on display - indeed there were a significant number of complimentary comments about the 'exciting and innovative design'. No one mentioned they didn't like the dark brick. The materials are probably best reviewed by way of samples. We have prepared a materials board, which is currently at the Academy.

In terms of the comments from the Architect Panel, these are of course subjective. We do not believe that the east façade, with the large brightly coloured theatre set at a deliberate counterpoint to a blue-grey brick elevation is 'bland', and is designed to provide the 'uplifting experience' on approach. This has been a specific point of discussion with the Academy during the design development. The windows are punctuated as deep as they can be within a single-brick thick façade, a deeper reveal would come at a cost premium, on a project which has a very tight budget. Similarly, with respect to the southern elevation, brize-soleil was considered, but is not as cost-effective as solar control glass. Calculations have shown solar control glass to be equally effective. The design shown in the perspectives presented at the pre-application stage inevitably moved on, a number of material options were prepared, and the final decision was an absolutely unanimous one by the client group. The selection of a bold colour for the theatre cladding over the 'lighter paneling' was intentional and is seen as appropriate to the specialism.

Kind regards

Ben Marston

Clarification of Architects' Panel comment on Oasis Lord's Hill Academy

- North and east brick facades

The dark grey brick section of the North East Romsey Road frontage is 12.4m high and about 42m long with an additional strip about 2m high and 11.5m long suspended above the glazed entrance.

We commented that in our view there is insufficient detail in this façade to relieve it; it is neither pristine in its flatness nor sufficiently modelled. We have referred to the following:

a) depth (window reveal) and b) brick colour; both of these are in our view important aspects of the design.

The depth of window reveal is presumably as that in the architects' St Paul's Academy, Greenwich – 100mm, where the window frames are inserted behind the brickwork. This is considered inadequate where the facades are less-rich as in the Southampton building with only occasional coloured panels set into the window openings, and none breaking up the mass of brickwork. The Southampton building is also 50% taller.

Our view on the choice of brick colour is rational and consistent. It is ironic that we are being criticised for being subjective in considering a building that professes to foster the arts – please see quotation below. We believe that the “dark grey” brickwork (as described in the DAS) will appear gloomy in most conditions. Notably the public facade facing the car park off Redbridge Lane will never see any sun.

The use of a continuous “plinth” of dark grey brickwork 3 metres tall to the ground storey is in our view too harsh a commentary on the need for robustness.

A brighter coloured brick would be more suitable and would relate better to the context.

The price of blue engineering bricks will allow a brick of good quality to be chosen without additional cost. There will also be no need to colour the mortar.

- South facing facades

Our comments stand on the blandness of the southern facades and the arrangement of coloured panelling. The choice of solar control glass over brise soleil is disappointing as it:-

a) fails to provide any modelling to the building's façade, and

b) dulls down the view through the windows for occupants.

- Roof-top plant

The scale bar on the Site Plan Proposed appears to be incorrect. The building will be viewed from twice as far away as implied by the scale bar. The effect of this will be to make the roof-top plant more visible on seeing the building from the public roads, undermining the architects' desire for clean horizontality. If a ground floor plant room is not to be provided then the plant ought to be shown on the drawings, with:

an indication of whether it is to be finished in silver thermal insulation wrap;

at a true scale having consulted an m&e engineer; and

including the additional height that represent acoustic mountings as appropriate.

A site section will demonstrate whether the plant is then visible.

Quotation:

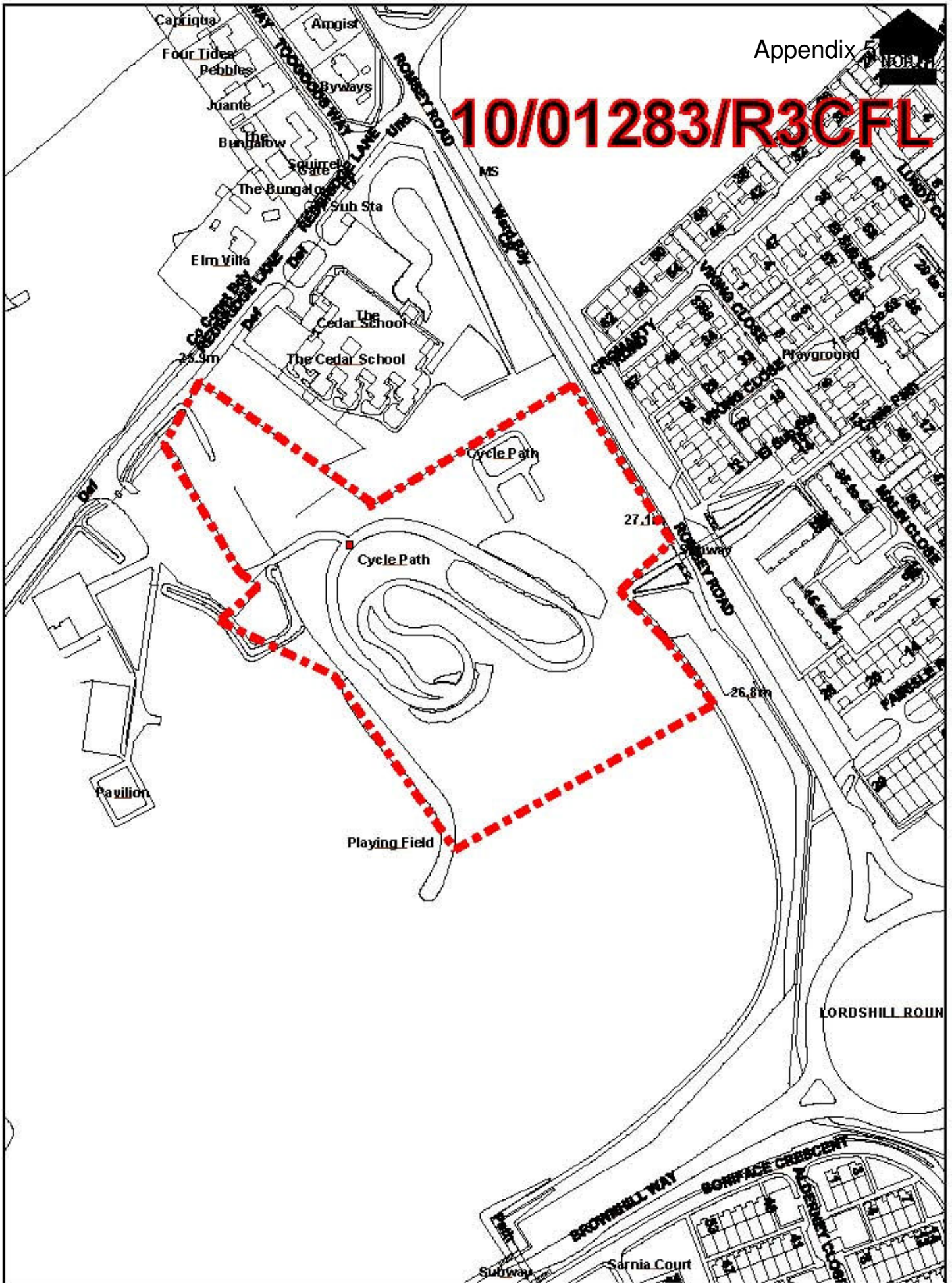
“Art is never a commodity. Commodities are identical units of sure value bushels of wheat, say- whose price fluctuates from time to time and place to place. Art works are one-of-a-kind ... items, materially worthless, which have in common that a price is asked for them. Their value is entirely subjective.”

Peter Schjedlahl, New Yorker, 16 Feb 2009.

**Julian Boswell BA BArch MSc RIBA
Chair Southampton Architects' Panel 08 December 2010**

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10/01283/R3CFL



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Date 09 December 2010

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Agenda Item 6

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 21.12.2010
 Planning Application Report of the Planning and Development Manager

Application address: Land to the rear of 6 and 7 Cranbury Terrace SO14 0LH			
Proposed development: Erection of a Terrace of 3 X four bedroom four-storey dwellings with vehicular access from Rockstone Lane, car parking, landscaping and repairs and extension to front boundary wall.			
Application number	10/01214/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	Over Time	Ward	Bevois
Reason for Panel Referral	Member Referral being considered at Chairman's Discretion.	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: Trendloop Ltd	Agent: Consultant Planning Services
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact of the character of the conservation area, the privacy and amenity of nearby residents, the level of car parking and the impact on protected trees 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.

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, HE1, HE6, H1, H7 of the City of Southampton Local Plan Review (March 2006) and CS13, CS14, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Appeal Decision

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The site comprises land that was historically part of the rear gardens of the Grade II listed buildings at 6 and 7 Cranbury Terrace but has for many years been physically separated from them by a 2m high fence and wall. It is a medium accessibility location in terms public transport links but is recognised to be within close proximity to the City Centre on foot.

1.2 The site is not visible from Cranbury Terrace, but instead forms part of the Rockstone Lane street scene. Whilst the site is located within the Cranbury Terrace Conservation Area, the properties in Rockstone Lane and the Lane itself are not part of that Conservation Area.

1.3 However, Rockstone Lane is an attractive street with a distinct sense of place. From Bevois Valley the street is seen to comprise a long terrace of cottaged proportioned two storey houses on its northern side with similarly proportioned houses in a shorter length of terrace ending with a red brick gable ended commercial premises on the southern side.

1.4 The tree canopy beyond this building has good amenity value and contributes to the character of the Lane particularly when approaching the city centre.

1.5 Being a cul-de-sac in close proximity to the city centre, parking restrictions are in place by means of a resident's parking scheme on the southern side of the street and double yellow lines along the length of the northern side.

1.6 The walled and treed frontage along the western section of the Lane, which includes the appeal site, has deteriorated in recent times with the development of flats towards the Avenue end resulting in the removal or lowering and re-building of sections of the wall, above which areas of surface car parking can be seen.

2. Proposal

2.1 The proposal has been amended and neighbours re-notified since its original submission, which sought to construct a building of similar height and design to those already approved but to 'infill' the gap between the two and provide 9 flats. In this regard it was similar to a scheme for 9 flats in 2008 which was refused (08/00093/Ful).

2.2 The proposals, as amended, seek to provide three 4-bedroom houses with off-road parking to the site frontage utilising an existing vehicular access point in Rockstone Lane. The proposals also seek to repair the front boundary wall to Rockstone Lane which has been partially demolished and is in a deteriorating condition.

2.3 The height and design of the terrace is similar to that approved and allowed on appeal for the currently approved separate flatted schemes but

differs by the infilling the of the gap between these units and effectively creating a terrace of houses.

2.4 Due to the change in levels across the site, and in particular from the Rockstone Lane frontage from where the ground rises markedly up towards Cranbury Terrace, the existing ground levels within the site frontage would have to be lowered. However, the layout differs significantly from the currently approved schemes in the reduced need for retaining walls within this frontage area which allows the front elevation of the terrace to be viewed from the street without being 'hidden' behind a series of retaining walls.

2.5 Unlike earlier schemes, the proposals do not include integral garages which enables a truer 'Georgian' frontage to be created. Each dwelling would benefit from rear south facing gardens of 14m length. The privacy distance between the rear windows in the houses and rear windows on the buildings at 6 and 7 Cranbury Terrace are between 25m and 28m which is identical to those approved on appeal. Internal cycle stores are provided for each dwelling with refuse stores designed to sit behind the repaired front boundary wall. One parking space is provided for each unit. The applicant has indicated that the scheme will achieve Code for Sustainable Homes Level 3.

2.6 The applicant intends to reinstate brick boundary walls to all boundaries, using where possible salvaged materials from the site, and to the height of the original walls which includes a reduction in height towards Rockstone Lane as the boundary follows the contours of the site.

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**.

4.0 Relevant Planning History

4.1 The site has a lengthy planning history, the most relevant dates back to a planning application submitted in 1999 to construct a three storey house (plus basement) on the site at the rear of 6 Cranbury Terrace. This scheme (99/01417/Ful) was refused by the Local Planning Authority but subsequently allowed on appeal in 2001.

4.2 Subsequently, in 2003, a revised scheme of similar design and massing, but seeking three flats was approved by the Planning Panel 28 October 2003 (03/00422/Ful). In order to keep this consent alive, work commenced on constructing a section of the foundations. The digging and concreting a section of the foundations was undertaken in October 2008. Having received a commencement notice for these works the permission at the rear of 6 Cranbury Terrace remains live and able to be implemented at any time in the future.

4.3 Prior to the developer's decision to keep the consent for three flats alive, two further applications were submitted, and for the first time this included the combination of the land at the rear of both 6 and 7 Cranbury Terrace. 07/01184/Ful sought to provide 9 flats in a building of similar scale and massing to that now being proposed. This was withdrawn in September 2007 following concerns raised by officers, but was subsequently resubmitted in a revised form following negotiations with officers. However, the revised scheme 08/00093/Ful was then refused using officer's delegated powers on 20 March 2008.

4.4 More recently two separate applications were submitted for detached four storey buildings, each comprising three 2-bedroom flats on the individual plots at the rear of 6 and 7 Cranbury Terrace. Both applications were referred to the 25 November 2008 Planning Panel. The application for the site at the rear of No 6 (08/01367/Ful) was recommended for approval, given that with some minor adjustments it was, in practical terms, identical to that approved in 2003 and which had already been commenced.

4.5 However, the very similar scheme at the rear of 7 Cranbury Terrace (08/01366/Ful) was refused by Panel. At this time no consent existed on the site at the rear of No7 and Panel members considered the development of both sites would have an unacceptable impact on the character of the Conservation Area. However, the developer appealed this decision and the appeal was subsequently allowed on 16 July 2009. The appeal decision is attached to the report as Appendix 2.

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report **26** representations have been received from surrounding residents including a petition signed by 52 residents of Rockstone Lane. A summary of the objections is set out below the consultation responses and are responded to in the planning considerations section of the report.

5.2 **SCC Highways** - No objections. This is a medium accessibility area and the on-site parking meets the required standards.

5.3 **SCC Sustainability Team** - Note that the proposals have been assessed to achieve Code Level 3 but require conditions to be imposed to ensure that this is achieved in addition to a minimum 15% reduction in CO₂ emissions through the use of renewable or low carbon technologies.

5.4 **SCC Architect's Panel** – Having regard to the history of the site, the Panel welcomed and supported the improvements to the design and the provision of houses rather than flats. Conditions should be imposed to ensure attention to detailing and that the quality of materials used reflects the

sensitivity of the Conservation Area location including the setting of listed buildings.

5.5 **SCC Heritage** – Remain concerned that the buildings will appear very dominant in the street scene due to the level changes on the site and the existing proportion of buildings within Rockstone Lane. However, the current proposals are considered to represent a significant improvement in design terms on what has previously been allowed and the change to houses rather than flats is welcomed. A terraced form is more characteristic of the area than two detached structures. Careful attention needs to be given to the repair of the front boundary wall and landscaping, including new tree planting within the site.

5.6.1 **SCC Trees** – Some of the trees on this site are protected by the Southampton Cranbury Terrace Rockstone Lane TPO 1964, and the whole site falls within Cranbury Place Conservation Area, designated 8th September 1977. This makes them a material consideration in the planning process. "The tree survey supplied complies with BS5837 2005 and I am in general agreement with the grading of the trees. The site has a significant group of trees which provide a visual amenity to the area. However, individually there are few which are worthy of long term protection and retention. I have also considered the previous application and appeal decision which states the Council has accepted that none of the trees, which would be removed merit preservation and in the Inspector's view the proposed replacement of existing trees with new planting would not harm the character of the street scene."

5.6.2 I would therefore find it difficult to support any reason for refusal to this application if supported by suitable replacement planting

5.7 **SCC Environmental Health (Contaminated Land)** – comments not received.

5.8.1 **SCC Ecology** – It is possible that the garden vegetation is being used as foraging habitat by bats. A bat survey undertaken by SCC Highways in connection with a lighting scheme on Asylum Green detected foraging activity by Pipistrelle bats. Bats are highly mobile creatures and will move along corridors of vegetation in search of food. It is possible that bats could move from Asylum Green to Rockstone Place using highway trees and vegetation in the gardens. It is therefore suggested that the vegetation along the Rockstone Place boundary is either retained or replaced to maintain a corridor back to Asylum Green.

5.8.2 Also, slow worms, are a possibility. South Hampshire is a stronghold for this species and they are frequently found in gardens, even the most intensively managed. Slow worms are protected from deliberate killing and injury so site clearance needs to be undertaken carefully. In particular, features such as the collapsed wall could provide hibernation sites and as such should not be disturbed until the weather has warmed up sufficiently for slow worms to have come out of hibernation (probably March/April). Ideally

the whole site should be surveyed for presence/probable absence and any slow worms found moved either to retained garden area or an alternative site. In addition, the wall should also be dismantled carefully and any slow worms found moved to a safe location.

5.9.1 SCC Policy (housing) - Core Strategy Policy CS4 sets out the housing delivery for the city which identifies that an additional 16,300 homes will be built between 2006-2026. As of 2008/09 3202 dwellings have been completed. Policy H2 of the Local Plan Review identifies the council's approach for proposals for housing on previously developed land (which would have previously included residential gardens). H2 seeks to make the maximum use of derelict, vacant and underused land for residential development and could be interpreted as giving a general presumption in favour of this sort of development subject to a number of provisions (listed i – vii in the policy). These policies together would therefore generally give a favourable view of this type of development subject to other policies relating to design, impact on residential amenity etc.

5.9.2 Core Strategy policy CS5 deals with housing density and includes a table of general density levels relating to levels of accessibility. The policy states that they should be generally accorded with and lists a number of other factors that should be considered when determining density including the need to protect and enhance the character of an area. As submitted the proposal at around 38dph would be slightly below the density levels that we would expect for an area of medium accessibility (50-100dph) but with the recent changes to PPS3 and the removal of a minimum density this is also a material consideration and should be weighed up in this case.

5.9.3 Policy CS16 is clear that the council will provide a mix of housing types, and is supportive of family homes (criterion 1). The policy also concedes that density levels can be varied in different situations to facilitate this provision (criterion 5). Providing family housing in city centre or edge of centre locations can be problematic in viability terms, so with this in mind Planning Policy would be particularly supportive of family homes on this site.

5.10.1 Design

5.10.2 Policy CS13 sets out the Councils approach to design and the range of issues that should be taken into account when considering design. Of particular relevance to this application is:

Architecture

- 1. Respond positively and integrate with its local surroundings, character and architectural vernacular without being a pastiche of the past.*

Historic Environment & Conservation

- 3. Reflect the importance of the city's archaeology, historic and cultural heritage*

Landscape

- 6. Contribute to the greening of the city incorporating landscape qualities, green infrastructure and biodiversity.*

5.10.3 The design of the scheme needs to be carefully considered both in terms of the building proposed and also in terms of the issue of developing on the gardens per se and the impact it could have on the character of the area; in this case Rockstone Lane's built form follows that of a terrace of small 2-storey cottage dwellings. The 4-storey building as proposed appears to be in sympathy with some of the Georgian properties in Cranbury Terrace, but the presence of a 4-storey Georgian block in Rockstone Lane might be considered discordant with the majority of dwellings there (particularly critical, given this is a Conservation Area).

5.11 Amenity Space

5.11.1 The proposal would remove a portion of the amenity (garden) space from the existing properties (6 and 7 Cranbury Terrace) and the Planning Statement does not state how much sq m of amenity space will remain for those dwellings..

5.11.2 Policy CS16 also sets out that family homes are to have direct access to a useable private amenity space or garden, with a minimum size of 50m sq m for terraced houses such as the proposed dwellings here. This proposal does not trigger Policy CS16 (e.g. as it is not part of 10+ development and is not a replacement dwelling), however, the council's *Residential Design Guide* (Sept 2006) also provides guidance on minimum garden sizes (p.28) which the case officer should consider. The 3 dwellings should therefore receive at least 50 sq m of amenity space respectively in order to be in accordance with the RDG.

5.11.3 CS21 states that the Council will retain the quantity and improve the quality and accessibility of the city's diverse and multi-functional open spaces and help deliver new open space both within and beyond the city to meet the needs of all age groups. While the policy itself does not specifically mention gardens, domestic gardens are included in the list of open spaces as defined in PPG17 and therefore the impact of the loss garden land should be considered particularly in terms of its amenity, biodiversity, health and wellbeing it can provide.

5.12 Biodiversity

5.12.1 Policy CS22 seeks to promote biodiversity. The supporting text of the policy lists gardens as being the type of undesignated place where much biodiversity can be found. The supporting text of the policy also states that the Core Strategy seeks to protect and enhance Southampton's natural environment and the habitats and species listed in the Council's Biodiversity Action Plan.

5.13 Parking Standards

5.13.1 Policy SDP5 of the Local Plan Review states that planning permission will only be granted where the development provides no more car parking than the maximum in the adopted standards (Appendix 1). In this instance,

residing in an area of medium PTAL accessibility, the proposal could provide for up to a maximum of 3 car parking spaces. The proposal would appear to be in accordance with the council's car parking standards.

5.14 National Planning Policy

5.14.1 PPS3: Housing. In June 2010 the government amended PPS3: Housing. The amendments changed the definition of Previously Developed Land to exclude residential gardens and also removed the national minimum density. In light of this the case officer needs to weigh up the implications of these material changes to PPS3 against the policies as written in the development plan and in particular the ones discussed above.

5.14.2 It is the view of planning policy that the recent changes to PPS3, along with the removal of the national indicative minimum density standards, are not intended to stop all development in private residential gardens. Instead it allows Local Planning Authority's greater powers to resist such development where there is a demonstrable harm *inter alia* to the character and appearance of an area.

5.14.3 The recent change to the status of residential gardens as PDL removes the general presumption in favour of development (as mentioned in policy H2) and results in us being in a position whereby any proposed development should be assessed on its merits in relation to planning policy; and in particular in relation to those policies discussed above.

5.14.4 Given all of the above it is important to weigh up the issues in the development plan against any material considerations, in this case the changes to PPS3 proposals should not be allowed just because in the past they would have been justified under the objective of making more efficient use of PDL.

5.14.5 Any benefits in terms of additional housing should be weighed against the loss of garden land (which should be looked at in terms contribution to amenity, wellbeing and biodiversity), and the fact that the proposal sits on a site that already has extant planning consent for residential development.

5.15 **Southern Water** – raise no objections to the scheme but request a condition be imposed relating to the disposal of foul and surface water from the site.

5.16 **The third party representations** from local residents raised the following issues:

- Scale, height and form of development is totally out of character with Rockstone Lane.
- Insufficient car parking will lead to additional congestion and highway safety issues in Rockstone Lane.

- The proposals will have an overbearing impact on the amenity and views of nearby residents.
- Loss of trees will be harmful to the appearance of the Conservation Area.

These matters are addressed in section 6 of this report.

6.0 Planning Consideration Key Issues

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

6.2 Principle of development

6.2.1 The principle of re-developing the site has already been clearly established given that the site has extant consents, both originally allowed on appeal, for two four storey detached buildings comprising a total of six flats.

6.2.2 Since the time of those decisions the Core Strategy has been adopted and the government has introduced a number of new planning measures including re-defining previously developed land in PPS3. There are therefore some additional planning considerations to take into account.

6.2.3 The additional requirements introduced by the Core Strategy policies, including the delivery of family housing and sustainable development, have been fully addressed by the revisions to the scheme. The only policy to which the proposals are considered not in compliance with in the Core Strategy are the minimum housing densities. An additional unit would have to be provided to meet the minimum 50 d.p.h. required in medium accessible areas. However, having regard to the Conservation Area location, it is not considered appropriate to achieve this level of density on this site.

6.2.4 The commencement of development on the scheme at the rear of No 6 effectively invalidates any claim that the proposals represent what is referred to as 'garden grab' and therefore, consistent with the judgement of independent Inspectors on two separate occasions, the principle of re-developing the site in the manner proposed is accepted.

6.3 Impact on the character and appearance of the Conservation Area and the setting of listed buildings.

6.3.1 The proposals have a similar height, scale and massing to the form of development already permitted on the site(s). The main changes are; the unbroken terrace form, which is considered to be more respectful to the Cranbury Terrace and Rockstone Lane layouts than two detached buildings, and the significantly improved layout and external design by reason of the removal of the integral garage and removal of the need for a series of retaining walls to the site frontage.

6.3.2 The changes in levels mean that buildings of this height and scale will have an impact on the character of the Conservation Area and this has formed the basis of previous reasons for refusal which the Council has failed to substantiate on two previous appeals.

6.3.3 Having regard to the material considerations of the extant consents and appeal decisions it is considered that this proposal would be more appropriate and acceptable in terms of its impact on the character and appearance of the Conservation Area and the setting of listed buildings.

6.4 Loss of trees & ecological issues

6.4.1 The trees identified to be lost have already been agreed to be felled on previous permissions. Whilst of some amenity value as a group, none of the individual trees are of merit individually and are in generally poor condition. The loss of the trees will be compensated for by replacement planting including additional planting along the site frontage. This will re-introduce an 'avenue' of trees along the Rockstone Lane frontage. This is supported by the council's Ecologist as 'linear' tree belts provide attractive foraging for the Bat species known to be present at nearby Asylum Green.

6.4.2 Other ecology issues include ensuring the works do not interfere with any protected species have been covered by condition as the ecologist is satisfied that this is possible and nothing has been found on the site that would prevent development proceeding.

6.5 Car parking and highway safety

6.5.1 The site provides on site parking and turning to the adopted standards of the Development Plan. A parking permit scheme and marked out parking bays on the southern side of Rockstone Lane is in place for existing residents of Rockstone Lane to which future occupiers of the houses would not be entitled. The northern side of Rockstone Lane has double-yellow lines. The proposals make use of an existing 5m wide access with dropped kerb into the site and would not result in the loss of any of the existing marked out parking-bays. There are no objections raised to the proposals by the Council's highway officers.

6.6 Impact on nearby residential occupiers

There will be a visual impact on neighbours with the development of dwellings of this scale. However, the outlook and privacy distances between units to the front and rear are achieved and appeal decisions for similarly scaled buildings have identified that the proposals do not have an 'overbearing' or 'harmful' impact.

7.0 Summary

7.1 The site currently has the benefit of planning consent for six flats in two detached buildings. The current scheme for three houses provides a similar scale and massing of development but delivers family housing in a terraced form. The layout and design are considered to be an improvement on previously approved schemes and whilst there will undoubtedly be an impact on the Conservation Area this has been adjudged not to be harmful. Car parking, amenity space, cycle and refuse storage are all provided to or in excess of minimum standards. The delivery of family housing rather than flatted development in this location is supported.

8.0 Conclusion

8.1 That subject to appropriate conditions planning permission should be granted.

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

[1a, 1b, 1c, 1d, 2b, 2c, 2d, 4jj, 5c, 5d, 6c, 6i, 7a, 7b, 7e, 7g, 7k, 7m, 9a, 9e, 10a, 10b]

AA for 21/12/2010 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 - Samples details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a detailed schedule and/or samples of the following;

- Bricks for the dwelling and front boundary wall;
- Rainwater goods,
- Vents and ducts;
- Windows and doors

The hard landscaping including the steps to the front of the building;
and
Design of the railings to the front of the buildings.

Shall be submitted to and be approved in writing by the Local Planning Authority

Reason:

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

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

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

- i. the proposed finished ground levels or contours and the materials to be used for the car parking layouts; other pedestrian access and circulations areas including steps
- ii. planting plans; written specifications for new tree planting (a two-for one basis unless site circumstances dictate otherwise) and the schedules of other soft landscaping including species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any external lighting
- iv. details of all boundary treatment, including the heights of all walls and the materials to be used for the new and repaired walls, and
- v. a landscape management scheme.

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

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

Reason:

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

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

The external amenity space(s) serving the dwellings hereby approved, and pedestrian access to it, shall be made laid out and made available prior to the first occupation of any of the dwellings hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the houses.

Reason:

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

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

Before any dwelling is first occupied full elevational details of facilities shown to be provided for the storage and removal of refuse from the premises 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 and no bins associated with the dwellings shall be stored or placed outside the approved facility except on collection day.

Reason:

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

06. APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

Prior to the first occupation of the dwellings the cycle storage facilities shown on the approved plans shall be provided and made available for use and thereafter retained and maintained for that purpose.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

07. 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

09. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code For Sustainable Homes certification body.

REASON:

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

10. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [15% as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [15% as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

11. APPROVAL CONDITION - Archaeological 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.

12. APPROVAL CONDITION - Archaeological investigation [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.

13. APPROVAL CONDITION - Residential - Permitted Development Restriction [Performance Condition]

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

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class C (other alteration to the roof),
- Class D (porch),
- Class E (curtilage structures), including a garage, shed, greenhouse etc.,
- Class F (hard surface area)

Reason:

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

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

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

Reason:

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

15. 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.

16. 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.

17. APPROVAL CONDITION - Approved Plans

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

Reason:

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

18. APPROVAL CONDITION - Ecological Survey [Pre-Commencement Condition]

Prior to development taking place, including site clearance, the details and scope of an ecological survey, which shall include a wildlife mitigation statement incorporating appropriate protected species survey, ecological impact assessment, and proposals for wildlife mitigation and enhancement, shall be agreed in writing with the Local Planning Authority. Such report shall include a timeframe for the survey to be undertaken to avoid disturbance of protected species during periods of hibernation.

Before any works start on site the agreed survey shall be carried out on the site by a suitably qualified individual/organisation, at the expense of the developer and the results of that survey shall be evaluated in the context of the importance of the site and any associated species found.

At least 21 days before works start on site (or as otherwise agreed in writing by the Local Planning Authority) the survey findings and evaluation shall be made available to the Local Planning Authority.

If presence is confirmed the agreed appropriate mitigation and compensation measures shall then be undertaken to ensure that the proposed development does not reduce the ecological interest of the site and these measures shall be agreed in writing with the Local Planning Authority. If protected species are found, the advice of Natural England shall be sought and taken into account and adhered to.

Reason:

For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity as the site is potentially of ecological interest.

Application 10/01214/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
H1	Housing Supply
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)

PPS3 Housing (November 2006)

PPS5 Planning Policy Statement 5: Planning for the Historic Environment (March 2010)

Application 10/01214/FUL

Appeal Decision

Appeal Decision

Site visit made on 23 June 2009

by Christopher Thomas BSc(Hons) Dip

TP MRTPI

The Planning Inspectorate

4/11 Eagle Wing

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

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email:enquiries@pins.gsi.g

ov.uk

an Inspector appointed by the Secretary of State

for Communities and Local Government

Decision date:

16 July 2009

Appeal Ref:APP/D1780/A/09/2101524

Land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Trendloop Limited against the decision of Southampton City Council.
- The application (Ref.08/01366/FUL), dated 10 September 2008, was refused by notice dated 2 December 2008.
- The development proposed is erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane.

Decision

1. I allow the appeal, and grant planning permission for erection of 3 no. two bed flats, with pedestrian access from Rockstone Lane at land rear of 7 Cranbury Terrace, Bevois Valley, Southampton, SO14 0LH in accordance with the terms of the application, Ref. 08/01366/FUL, dated 10 September 2008 and the plans and drawings submitted with it subject to the conditions set out in the Annex to this decision.

Main issue

2. I consider the main issue in this appeal is whether the proposal would enhance or preserve the character or appearance of the Cranbury Place Conservation Area and its effect on the setting of adjacent listed buildings.

Reasons

3. Whilst the appeal site lies at the rear of No.7 Cranbury Terrace it bounds onto the south side of Rockstone Lane which forms part of the northern boundary of the Cranbury Place Conservation Area. Nos 4-11 Cranbury Terrace are Grade 2 listed buildings. The Southampton (Cranbury Terrace-Rockstone Lane) Tree Preservation Order, 1964 covers trees within the appeal site.

4. The land within the appeal site is generally at a higher level than Rockstone Lane. For the length of the north side of Rockstone Lane, but only on the south side of the road from beyond a warehouse building towards the junction with Onslow Road, the street is characterised by terraces of modest sized properties erected in the Victorian era. On the east side of the appeal site is an access and turning area which serves the rear of adjacent properties. The appeal site, together with the land to the rear of Nos.4, 5 and 6 Cranbury Terrace acts as a visual backdrop to the rear of the frontage properties whilst the combined area primarily forms part of the street scene of Rockstone Lane.

5. The development plan for the area includes saved policies SDP1 (Quality of Development), SDP7 (Context), SDP9 (Scale, Massing and Appearance), HE1 (New Development in Conservation Areas) and HE3 (Listed Buildings) of the City of Southampton Local Plan Review (March 2006) [LP]. The Council's Residential Design Guide – making better places for living [SPD] was adopted in September 2006 as a supplementary planning document, but I do not know the extent to which it was the subject of public consultation and therefore I have given it only limited weight.

6. The Cranbury Place Conservation Area Brief (1986) [the Brief] contains an appraisal of the Conservation Area which states that its inherent character lies in its simple but dignified Georgian styled terraces. The Council aims to maintain and enhance the residential character and use of the Conservation Area. The document also sets out a brief for identified sites with redevelopment potential. One of these sites, B3, which includes the appeal land, is said to be suitable for additional residential accommodation. It indicates, however, that individual access from Rockstone Lane would not be permitted and consideration would only be given to comprehensive proposals involving common access and rationalisation of property boundaries. Despite the age of this supplementary guidance and the changes that have taken place in the conservation area since it was formulated the Council regards it as having continuing relevance and I therefore accord it a substantial degree of weight.

7. Appeal decision APP/D1780/A/1062834 allowed the erection of a new house at the rear of No.6 Cranbury Terrace. Subsequent permissions have been granted for this adjacent site by the Council, the most recent being for a similar building and use to the appeal proposal under reference 08/01367/FUL. The Council takes the view, however, that the cumulative impact of allowing the current appeal proposal, in addition to development on the adjacent site, would result in an overdevelopment of this part of the Rockstone Lane frontage. In its opinion, this would be detrimental to the Conservation Area and the setting of the listed buildings on Cranbury Terrace.

8. Whilst the elevation of the appeal site above Rockstone Lane would emphasise the proposed building's height, nevertheless I consider that its position set well back into the site would help to reduce the visual impact of this effect. Furthermore, the design of the proposed dwelling as evidenced in its height, scale and bulk reflects the character and appearance of the houses in Cranbury Terrace and similar properties throughout the conservation area. In this respect, therefore, I consider the proposal seeks to preserve and enhance the Georgian character and appearance of the Conservation Area. It also seems to me that in view of its location behind Cranbury Terrace the proposal would not harm the most important aspect of the setting of these listed buildings which is their relationship to Cranbury Place. Accordingly, the proposal complies with LP policies HE1 and HE3.

9. The Council is concerned about the relationship of the proposal to the street scene of Rockstone Lane in terms of the cumulative impact with the development which has been permitted on the adjacent site. In the light of the fact that the principle of residential development on the adjacent site has been established and that a building of similar design and in the same visual relationship to Rockstone Lane has been granted permission I consider that there would be no materially greater harm in terms of views into the Conservation Area as a result of allowing this appeal proposal. Indeed, it is my opinion that in combination with the development of the adjacent site the proposal would result in something akin to the form of comprehensive development envisaged in the Brief for site B3.

10. Although the difference in building form and appearance from the properties in Rockstone Lane would be evident in the street scene, in this case I consider the material consideration of the extant permission for the adjacent site outweighs the more general guidance in the SPD relating to design matters. For this reason I apply to this appeal site the view expressed by my inspector colleague in relation to the earlier appeal on the adjacent site that development of a house here would "strengthen the residential character of the area, enliven the street scene and provide a sensitive transition between the pattern and scale of development in the Conservation Area and the smaller scale development along Rockstone Lane."

11. In the light of this conclusion I consider that the proposal would satisfy the requirements of LP policies SDP1, SDP7 and SDP9 to respect and improve the quality of the city's built environment, not to cause material harm to the character and appearance of the area by respecting the existing layout of buildings within the streetscape and by displaying a high quality of building design.

12. In my judgement whilst the existing trees on the site have some amenity value, nevertheless, through the approval and implementation of a comprehensive landscaping scheme for the site their replacement would achieve a satisfactory outcome which in the long term would enhance the appearance of the area.

13. I have concluded on the main issue, therefore, that the proposal would preserve and enhance the character and appearance of the Conservation Area and would not harm the setting of the listed buildings. It would be consistent with LP policies SDP1, SDP7, SDP9, HE1 and HE3 and with the relevant parts of the Brief.

14. Residents of properties in Rockstone Lane have raised concerns relating to the effect on residential amenity, but I note that satisfactory separation distances would be achieved. Because the site is in a highly accessible area the lack of on-site parking space would be acceptable. The type of residential accommodation to be provided is not a matter the Council has raised objection to. Satisfactory access for emergency vehicles and personnel would be achievable. None of these other matters, therefore, has persuaded me otherwise than in accordance with the conclusion I have reached that this appeal should be allowed.

15. I have considered the list of suggested conditions put forward by the Council. I am in agreement with the Council that a period of 3 years for commencement of development is appropriate in this case in order to reduce uncertainty.

16. I agree with the appellant that details of materials have been indicated on the submitted drawings. Accordingly I have replaced the Council's suggested condition with one that requires samples to be submitted to and approved by the Council, in the interests of the appearance of the area.

17. I am satisfied that conditions relating to landscaping and boundary treatment are necessary in the interests of the appearance of the area. The provision of the amenity area and refuse storage facilities prior to occupation are required in the interests of the living conditions of future occupiers. A condition requiring the submission and approval of bicycle storage details is necessary in the interests of appearance of the site. I have amended the suggested condition to delete reference to the storage of ancillary equipment which it seems to me is inappropriate.

18. Conditions relating to access and storage for construction purposes and hours of working during the construction operations are necessary in order to prevent harm to the living conditions of residents in Rockstone Lane. I agree with the appellant that the suggested condition regarding wheel cleansing is impractical and potentially unenforceable.

19. I also agree with the appellant that the suggested condition regarding the incorporation of sustainable design measures would be unnecessary given the control over such matters exercised under the Building Regulations.

20. Conditions securing the carrying out of an archaeological investigation and the implementation of arboricultural protection measures during the course of construction are necessary to ensure both matters are adequately addressed.

21. I agree with the appellant that a condition restricting bonfires on site would be unenforceable and that the matter can be dealt with in any event under other

legislation. The suggested conditions regarding the carrying out of a land contamination assessment and the use of uncontaminated material on site have been rendered unnecessary by the appellant's study which has been accepted by the Council as demonstrating that the development of the site does not present any risk to human health.

22. I have taken into account all other matters raised in the representations but for the reasons I have given above this appeal has been successful.

Christopher Thomas
Inspector

Annex

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No building works shall be commenced until samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for-one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site. 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 its 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 scheme 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.
- 4) Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

5) The external amenity area serving the development hereby approved, and the pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

6) 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 refuse and recycling storage facilities shall be carried out in accordance with the approved details prior to first occupation of the development and shall be retained whilst the building is used for residential purposes.

7) Prior to the first occupation of the development details and plans of a covered, enclosed and secure bicycle parking compound (including elevational and material details) shall be submitted to and approved in writing by the local planning authority. The bicycle compound, which shall provide for a minimum of 3 bicycles, shall be carried out in accordance with the approved details prior to first occupation of the development and shall not be used other than for the purposes for which it is provided.

8) Prior to works commencing on the site details of the means of access for construction and demolition of the structures on the site shall be submitted to and agreed with the local planning authority. Such details shall indicate any areas of equipment and material storage during the work period and any measures to limit the possible nuisance effects on surrounding and neighbouring residential properties.

9) 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 0800 hours to 1800 hours (8.00 am to 6.00 pm)
Saturdays 0900 hours to 1300 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.

10) 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 before the development commences.

11) No works or development shall take place on site until a scheme of supervision for the arboricultural protection measures has been

submitted to and approved in writing by the local planning authority.
This scheme will be appropriate to the scale and duration of the works
and may include details of:

Induction and personnel awareness of arboricultural matters;

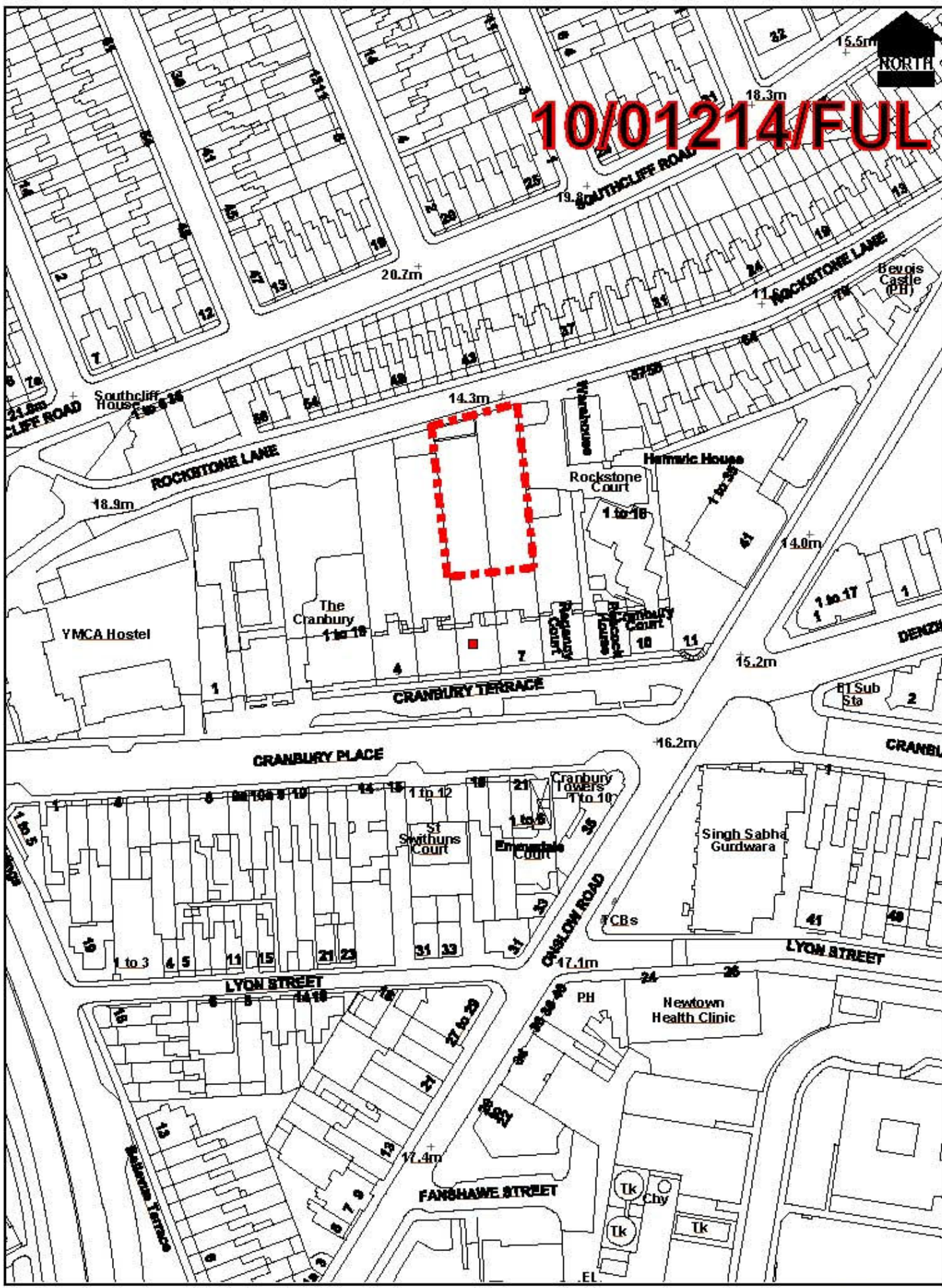
Identification of individual responsibilities and key personnel;

Statement of delegated powers;

Timing and methods of site visiting and record keeping, including
updates;

Procedures for dealing with variations and incidents.

10/01214/FUL



Scale : 1:1250

Date 09 December 2010

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Agenda Item 7

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 21 December 2010
Planning Application Report of the Planning and Development Manager

Application address: 5 Northwood Close SO16 3QJ			
Proposed development: Addition of a new first floor to the existing building to facilitate conversion into 2x3-bed and 3x2-bed flats with associated parking and cycle/refuse storage			
Application number	10/01311/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	17.11.2010	Ward	Bassett
Reason for Panel Referral	Referred by Cllr Fitzhenry	Ward Councillors	Cllr Samuels Cllr Beryl Harris Cllr Hannides

Applicant: Mr Anjuim Moied	Agent: Mr J Foster Rice
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Recommendation Summary	Conditionally approve
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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 design and scale of the development responds successfully to the context and character of the immediate area. It results in no net loss of a family home by providing a unit suitable for family occupation with an additional mix of housing types, which make a positive contribution to the mix of housing available within this location. It also provides an appropriate residential environment for future occupants of the site without adversely affecting the residential amenity of neighbouring dwellings. The nature and scale of these changes are not considered to be significant material changes to the original proposal. The additional material issues raised with regards to the changes associated with the amended plans which were to the external appearance and internal layout of the building are not considered to have sufficient weight to justify refusing the planning application. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' Policies - SDP1, SDP5, SDP7, SDP9, H1, H2, H7, of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPS3 (Housing 2010) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies	2	Summary of issues by representations raised following reconsultation period

Recommendation in Full - Conditionally approve

1.0 Background

1.1 At its 23rd November 2010 meeting, the Panel resolved to delegate authority to the Planning & Development Manager to grant conditional planning permission for the proposal in its amended form, subject to no new material considerations being received following the 14 day re-consultation period. It has been concluded that some new issues have been raised and so the matter has been referred back to the Panel so these new issues can be assessed by the Panel.

1.2 This re-consultation was required as negotiations with the applicant had resulted in amended plans being received on 18th November for a lesser form of development. The building envelope has not been expanded. Changes have only been made to the external appearance and internal layout of the building. These changes were discussed by members at the 23rd November Panel meeting.

1.3 The level of accommodation to be provided has been reduced from 5 to 4 flats. Local residents were notified and the application was re-consulted on 18th November for 14 days which included notifying adjoining and nearby landowners (including those who previously made representations).

1.4 New material considerations have been received via further representations. Each issue raised has been assessed as to whether it has sufficient weight to justify a refusal of the application. The issues that are considered to be new and material have been set out in **paragraph 6.6** but a summary of all the representations made in relation to the re-consultation have been tabled in **Appendix 2** for completeness.

1.5 In summary, new material issues should be further considered by the Panel. As such, the 23rd November 2010 Panel report has been updated to reflect the change to the description of development and the new material considerations.

2.0 The site and its context

2.1 The application site lies immediately south of Bassett Green Road at the northern end of Northwood Close in a predominantly residential area, comprising of a split level 1 and 2 storey residential property (integral garage at the sub level) in a large residential plot.

2.2 It is accessed by a sloping gravel driveway with a large attractive landscaped garden and mature trees subject to the Southampton (Bassett Wood North) Tree Preservation Order 1960, including a significant Redwood and Cedar.

2.3 The existing building appears as one storey facing Bassett Green Road, which is well screened from that street by a tall close boarded fence and mature tree cover. The view from Northbrook Close is restricted, being higher in level to the rear of the site.

2.4 Northwood Close is characterised mainly by two storey residential properties in spacious plots, with no uniform architectural style variously extended since their erection in the 1960s, accessed by sloping driveways and paths amongst dense tree and vegetative cover.

3.0 Proposal

3.1 To erect an additional storey above and extend the front wall within the building footprint by infilling the recessed porch space to facilitate the conversion of the enlarged property into 1x3-bed and 3x2-bed flats with associated internal parking and cycle/refuse storage whilst retaining the landscaping and protected tree features, with four existing trees to be removed (Crab Apple, Magnolia, Common Elder and Lawson Cypress). Five off road parking spaces are to be provided.

4.0 Relevant Planning Policy

4.1 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**.

4.2 Policy SDP1(i) requires planning permission to only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

4.3 Policy CS13 (11) requires urban form and scale to be considered and advocates the need to make higher densities work, being of an appropriate scale, massing and appearance.

4.4 Policy CS5 advocates that intensification and higher densities will be appropriate in some areas of the city in order to make best use of land, to support a range of local services and infrastructure and to create a residential environment with a mix of housing including smaller units. At all densities, residential development should be high quality, energy efficient and in line with best practice in sustainability and should maximise outdoor space, for example by providing gardens, roof terraces or balconies.

4.5 Policy CS16 promotes the increased provision of new homes suitable for families and also prevents the net loss of family dwellings on redevelopment / conversion sites where planning permission is required. If a redevelopment of a site or conversion of an existing house into self contained units involves the loss of family homes, at least the same number of such properties needs to be replaced as part of the overall redevelopment / conversion scheme (paragraph 5.2.11 refers).

4.6 The revised PPS3: Housing (2010) maintains that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted (Paragraph 13 refers).

5.0 Relevant Planning History

5.1 None.

6.0 Consultation Responses and Notification Representations

6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (30.09.2010). At the time of writing the report **11** representations have been received from surrounding residents and a petition

with 46 signatures objecting to the proposal in response to the originally advertised proposal.

6.2 The following observations/comments were made:

6.2.1 The form and style of the proposed building will not be in keeping with the prevailing visual character in the local area, appearing as a 3 storey building viewed from Northwood Close with a taller roof line which is out of context with other properties the local area.

RESPONSE - Due to the split level nature of the site which is well screened by the level of tree and vegetative cover and change in ground levels will appear in form as 2 storey building and therefore not significantly change the visual character of Northwood Close and Bassett Green Road. The composition of external materials used including the style of windows can be agreed prior to commencement of development.

6.2.2 There will be a lack of off street parking provided for the number of residents who may own a car, which will lead to overspill parking in nearby streets adding to existing highway safety problems caused by other developments in the local area. The property is currently in multiple occupation which causes problems in terms of car parking which will exacerbated by increasing the number of occupants.

RESPONSE - Highways DC has raise no concerns to the impact on highway safety. There is no minimum requirement for off street parking required to serve the residential development under SCC planning policy. There are no parking restrictions in the street.

6.2.3 The residential lighting scheme (mentioned in the Design and Access Statement under 'Safety and Security') is out of keeping with the security level required and excessively light the plot in area which has an extremely low crime rate.

RESPONSE – The applicant is seeking to enhance security through the use of strategic distributed lighting around the car parking spaces. The details of external lighting can be agreed with the Council prior to development taking into account the interests of visual character of the local area, living conditions of neighbouring and future occupiers.

6.2.4 The increased activity from future residents using the communal amenity space will cause noise and disturbance to existing residents who live in a quiet residential area.

RESPONSE - The standards set out for private amenity space under the Council's 'Residential Design Guide' encourages the provision of suitable locations for sitting outside in sun and in shade, planting beds, hanging out washing and barbecues (p60, paragraph 4.4.4 refers). Providing that this space is used by the future residents for purposes incidental to the enjoyment of the dwellinghouse, there will be no significant impact from noise and disturbance to the amenity of neighbouring occupiers and local residents.

6.2.5 The proposal will relate to the felling of trees in area to be retained for the purposes of keeping the visual character of Bassett.

RESPONSE - There is no objection raised by the SCC Tree Team to the works detailed in the Arboricultural Statement by CBA Trees, as the proposal has little or no adverse effect on the health and retention of the important trees on site.

6.2 **SCC Highways DC** - No objection subject to relocating the proposed cycle store.

6.3 **SCC Sustainability Team** - No objection raised subject to incorporating necessary sustainability measures.

6.4 **Southern Water** – No objection raised subject to submitting a formal application to Southern Water to connect to the public sewer. The adequacy of soakways to dispose of surface water is to be approved under Building Regulations.

6.5 **SCC Tree Team** – No objection. Following minor pruning works (which are considered necessary) the relationship between the closest tree and dwelling is acceptable.

6.6 Following the receipt of amended plans on 18th November a publicity exercise was undertaken for 14 days, which included notifying adjoining and nearby landowners (including those who previously made representations). At the time of writing the report **17** further representations have been received from surrounding residents.

6.6.1 Photographs did not clearly consider the property in relation to the appearance and scale of neighbouring properties.

RESPONSE - The photographs are only a guide to the members in assessing the application. The members of the Panel are able to visit the site and have the plans available to make the assessment.

6.6.2 The applicant has converted the property at 7 Northwood Close into a HMO which is already causing problems in terms of overspill parking on Bassett Green Drive and Northwood Close. The panel members were not aware of the installation of bollards on the highway verges along Bassett Green Drive to prevent illegal parking on the verge.

RESPONSE - The concerns regarding 7 Northwood Close being converted into a HMO has been referred to the Enforcement Team for investigation. SCC Highways Department confirmed on 6th December 2010 that local residents have complained about parking problems in Bassett Green Drive and Northwood Close including parking on grass verges. However, the advice from the Highways team remains that there is no highway objection to the scheme as it meets the parking standards.

6.6.3 Flat 3 is intended to be a 3 bed unit.

RESPONSE - The applicant confirmed in the email dated 22nd November 2010 that Flat 3 is intended to be a 2 bedroom unit and gave consent for the LPA to update the plans for the avoidance of doubt. Condition 17 has been applied to prevent the intensification of this unit.

6.6.4 The 3 bed unit can be used for multiple occupation.

RESPONSE - This would not require planning permission, however, permitted development rights have been removed to change from C3 to C4 use under condition 22.

6.6.5 Intensification of traffic movements will affect amenity of local residents.

RESPONSE - Amended scheme is a lesser form of development. The space for on site parking area can be re-landscaped to reduce its size to minimise additional opportunity for parking by residents beyond the maximum 6 spaces required by the SCC parking standards.

6.6.6 The basement area rooms 1 and 5 can be used for accommodation.

RESPONSE - These spaces in the basement are designated habitable, however, a condition can be applied to prevent the use of these internal spaces by the residents, if Panel members believe this is necessary. An update will be given at panel on the state of these spaces.

6.6.7 The statement by the applicant that the property is occupied as a HMO is contrary to the electoral register. The Panel members did not have sufficient information about the occupation of the existing building, which is crucial in comparing the current and proposed uses and impact on residents.

RESPONSE - The applicant has a duty to submit accurate information with the planning application. It is also the duty of the applicant as the owner of the property to ensure that the electoral register is completed accurately. Following discussion, the Environmental Health Team reported on 6th December 2010 that no noise and disturbance complaints have been received from local residents. However, the decision is based on what the proposal will be used for rather than what it is currently used for.

6.6.8 Conflicting differences with amended plans and Officer's presentation which gave incomplete information.

RESPONSE - The Planning Officer's report and assessment was based on the original plans submitted. The amended plans were shown and updates given to reflect these changes.

6.6.9 Ease of access for emergency vehicle.

RESPONSE - The Highway Officer has no objection. The lesser form of development will have less of an impact on highway safety.

6.6.10 Refuse Management and Storage affecting Northwood Close.

RESPONSE - The Highway Officer has no objection. There will be a maximum requirement of 3 x 360l bins, and there would be adequate space within the designated collection point to store the bins without causing a disruption to traffic.

6.6.11 There will be the risk of crime due to creating less natural surveillance and more dark spaces.

RESPONSE - Security lighting can be fitted in appropriate location which operates by motion sensors. Details can be agreed under a condition prior to development/occupation. The amended proposal is not considered to increase risk of crime and therefore is not contrary to the requirements of policy SDP10.

6.7 **SCC Highways DC** - No objection.

7.0 Planning Consideration Key Issues

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

The principle of development;
Design;
Residential Amenity;
Access and Parking arrangements;
Sustainability;

7.2 Principle of Development

7.2.1 The proposal will intensify the use of the existing residential property without enlarging the existing footprint of the building. In principle, there is no objection under PPS3: Housing to intensify this previously developed land for further residential use. This is subject to increasing sustainable, inclusive and mixed communities and delivering well designed housing in suitable locations. In addition, using land efficiently is still a key consideration in planning for housing (paragraph 45 of PPS3 refers). Good design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

7.2.2 The site is located within a low accessibility area. The proposed density level of 25 dwellings per hectare accords with policy CS5 of the adopted Core Strategy which advocates densities of 35-50 dwellings per hectare in low accessibility areas. The supporting text of this policy states that intensification and higher densities will be appropriate in some areas of the city in order to make best use of the land. It is judged that the application site can accommodate the proposed density of development within the footprint of the existing building without compromising the residential amenity of neighbouring dwellings or future occupants of the site.

7.2.3 The applicant has stated the established use to be a HMO, however, the SCC 1st December 2009 Electoral Register only shows one person to be in occupation which infers the lawful use of the property on 6th April 2010 is C3 dwelling. The proposal will comply with the requirements of Policy CS16, as this will result in no net loss of family homes by providing one ground floor 3 bedroom unit with direct and exclusive access to enclosed private amenity space of 50 square metres. Furthermore, the development will provide a mix of dwelling types and encourage more sustainable and balanced communities, which is an improvement on the quality of the residential environment being created by replacing the HMO with purpose built self contained flats.

7.3 Design

7.3.1 The external changes as shown on the amended plans simplify the overall appearance of the building to relate the original style of the property and the established character of properties in Northwood Close. Due to the split level nature of the site which is well screened by the level of tree and vegetative cover and change in ground levels the resulting building will appear as akin to a 2 storey building in form and therefore not significantly harm the visual character of Northwood Close and Bassett Green Road. The composition of external materials used including the style of windows can be agreed prior to commencement of development.

7.4 Residential Amenity

7.4.1 The residential environment for future occupiers is considered acceptable. The current garden layout will be unchanged which is attractively landscaped. Flat 1 (ground floor 3 bedroom unit) will have direct access to enclosed private amenity space of 90 square metres, and Flat 2 (ground floor 2 bedroom unit) will have direct access to enclosed private amenity space of 100 square metres, and other units will have convenient access to the rest of the communal space. The quality and quantity of amenity space provided for the future occupiers in terms of privacy and useable garden space (209 square metres which is well in excess of 100 square metres required) will accord with the RDG standards.

7.4.2 The applicant has confirmed on 22nd November 2010 that the floor plan title showing Flat 3 as a three bedroom is incorrect, and this has been corrected on the plans to be 'two'. Condition 17 has been applied to prevent the further intensification of the accommodation type.

7.4.3 The front of the existing building is in close proximity to significantly important trees to be retained. The natural light serving the front aspect rooms will create acceptable living conditions for future occupiers though minor tree works by lifting the crown 10 metres as stated in the CBA Arboricultural Statement, subject to approval by the SCC Tree Team in a separate TPO application. As a whole, it is considered that all habitable rooms are served by natural light and ventilation. Convenient access to the amenity space and refuse/cycle storage is provided.

7.4.4 Having regard to the form of the scale and massing of the proposed building and no enlargement to the existing footprint in relation to the separation distance with the closest habitable spaces of neighbouring properties, the residential amenity of the neighbouring occupiers will not be adversely harmed in terms of on loss of privacy, outlook and loss of light.

7.5 Access and Parking arrangements

7.5.1 The SCC Highway DC Officer has raised no objection to the impact on highway safety. There is not a minimum requirement for off street parking to serve the residential development under adopted SCC planning policy. The maximum standards dictate that there shall no be more than 7.5 spaces serving all accommodation in accordance with saved policy SDP5 of the Local Plan Review. There is already sufficient hard surfaced space available on site to allow safe ingress and egress of up to 5 vehicles.

7.5.2 The SCC Highway DC has requested that the proposed cycle store is relocated closer to a more secure location for better natural surveillance from the main building with space for at least 5 cycles, which can be secured under pre-commencement condition.

7.5.3 There will be a maximum requirement of 3 x 360l bins, and there would be adequate space within the designated collection point to store the bins without causing a disruption to traffic.

7.6 Sustainability

7.6.1 The Sustainability Officer has not required the applicant to meet Code for Sustainable Homes Level 3, however, a range of sustainable measures in accordance with policy CS20 of the Core Strategy should be agreed prior development starting.

7.6.2 To further meet this policy's requirements for new development to achieve a 20% reduction in CO₂ emissions appropriate conditions have been recommended.

8.0 Summary

8.1 The current proposal has been judged to make a positive contribution to the city's housing stock, whilst making the best use of land available. The development of the site and the increase in the density of dwellings is not considered harmful to the context or character of the surrounding area.

9.0 Conclusion

9.1 The application has been assessed as being acceptable to residential amenity and its local context. The nature and scale of the changes in the amended plans are not considered to be significantly material in difference to the original proposal. Following reconsultation of amended plans with SCC Highways DC, the additional issues raised are not considered to have sufficient weight to justify refusing the planning application and therefore the Officer's recommendation is for conditional approval.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 6(c), 6(i), 7(a), 7 (e), 10(a), 10(b).
SB for 21/12/10 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02.APPROVAL CONDITION - Approved Plans

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

Reason:

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

03.APPROVAL CONDITION - Specific material and surface details to be submitted [Pre-Commencement Condition]

Full details of the manufacturers, types and colours and finished treatments (with samples if required by the Local Planning Authority) of the external materials to be used, including all new glazing, and details of the ground surface treatments formed and provided as part of the development, shall be submitted to and approved by the Local Planning Authority before development commences.

Reason:

In order to control the appearance of the development in the interests of visual amenity.

04.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 development hereby permitted and shall be retained with access to it at all times for the use of the flat units numbered 3 and 4, except for the external private amenity spaces allocated to the flat units numbered 1 and 2 in accordance with the approved plans received by the Local Planning Authority on 18th November 2010.

REASON:

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

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

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, for approval in writing by the local planning authority, which includes:

- i. car parking layouts; other vehicle pedestrian access and circulation areas;
- ii. hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- iii. details of any proposed means of enclosure/boundary treatment, including retaining walls.

The approved details for the whole site shall be carried out prior to occupation of the building and thereafter be retained whilst the building is used for residential purposes.

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 (as amended).

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

All operations in connection with the development hereby permitted shall comply in full with the method statement included in the Arboricultural Development Statement by CBA Trees dated the September 2010 and drawing no. CBA7205.04 dated July 2010 contained therein.

Reason

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

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

No storage of goods including building materials, machinery and soil, shall take place underneath the crown spread of the trees to be retained on the site. There will be no

change in soil levels or routing of services through tree protection zones or within canopy spreads, whichever is greater. There will be no fires on site. There will be no discharge of chemical substances including petrol, diesel and cement mixings within the tree protection zones or within canopy spreads, whichever is greater.

Reason:

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

08.APPROVAL CONDITION - Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

09.APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO2 emissions [as required in core strategy policy CS20] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development [as required in core strategy policy CS20] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

10.APPROVAL CONDITION - Sustainable measures [Pre-Commencement Condition]

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating the following sustainable design measures into the development:

- Energy minimisation and renewable energy or low carbon technologies
- Water efficiency measures
- Urban Drainage Systems
- Waste management and recycling
- Sustainable construction materials

The report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) policies SDP13 and SDP6.

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

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

Reason:

To ensure satisfactory drainage provision for the area.

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

The development hereby approved shall not be occupied until the provision has been made in accordance with the approved plans for refuse and recycling storage accessible with a level approach has been provided including accommodation and provision of separate bins for the separation of waste to enable recycling and shall thereafter be retained whilst the building is used for residential purposes.

Reason:

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

13.APPROVAL CONDITION - Cycle parking [Pre-Occupation Condition]

The development hereby approved shall not be occupied until provision has been made within the site in accordance with approved plans for covered, enclosed and secure bicycle parking to provide for a minimum of 4 bicycles with the installation of Sheffield style stands and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason:

To accord with sustainable transport policy aimed at providing a choice of travel mode available for the staff of the premises by enabling adequate provision of a facility which is likely to reduce the amount of vehicular traffic on existing roads.

14. APPROVAL CONDITION - Access to Bassett Green Road [Pre-Occupation Condition]

The development hereby approved shall not be occupied until details have been submitted and agreed in writing with the Local Planning Authority to stop up the existing access onto Bassett Green Road , which shall then be implemented in accordance with the agreed details, before any of the dwellings hereby approved are first occupied. No other means of access shall be provided to the site other than the existing access from Northwood Close.

Reason:

In the interests of providing a secure residential environment for the future residents, and protect the highway safety of the users of Bassett Green Road.

15.APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]

The window in the side elevation of flat 3 hereby approved [to the room indicated as bathroom] shall be glazed in obscure glass and shall only have a top light opening. The window as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

16.APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement tree for every single tree removed, unless it is agreed otherwise with the Local Planning Authority that there are sound arboricultural management reasons for not replacing trees on that basis.

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

Reason:

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

17.APPROVAL CONDITION - Accommodation mix

The mix of accommodation hereby approved shall remain as shown on the approved plans, and at no time shall the number of bedrooms in each unit shall be intensified. In particular, Flat 3 shall only have a maximum of 2 bedrooms in accordance with the applicant's email dated 22nd November 2010.

Reason:

Because Policy CS16 of the City of Southampton's Core Strategy (January 2010) requires 3 bedroomed dwellings to have direct access to their own private amenity space, which cannot be provided for flat 3 and also in the interests of protecting the residential amenity of the neighbouring occupiers from intensified use of the site.

18.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.

19.APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties and trees covered by the Tree Preservation Order covering the site.

20.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.

21.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

22. APPROVAL CONDITION - C3 use [Performance Condition]

The development hereby approved shall only be occupied in accordance with Class C3 (dwelling house) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010, which amends part 3 of the Town and Country Planning (General Permitted Development) Order 1995.

Reason

To accord with policy CS16 of the adopted Core Strategy (January 2010) and in the interests of protecting existing residential amenity and the opportunity for family homes with the City.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Density
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

PPS3 Housing (2010)

Summary of issues by representations raised following reconsultation period	
Context of Local Area	Response
Out of context of established pattern of development in Northbrook Close given the density of properties which are occupied by a single family	This density of development is appropriate for a low accessibility area and not contrary to the requirements of policy CS5, whilst making efficient and effective use of land. This issue has been reported in the previous panel report in paragraphs 3.4 and 6.2.2, and was discussed by members at the previous panel meeting and therefore is not new material consideration.
Design	Response
There are no specific details to show the proposed height of the new roof line in relation within the context of neighbouring properties.	This was discussed by members at the previous panel meeting and therefore is not new material consideration.
The scale and height of the building will be 3 storeys and out of character with the established pattern of development in Northwood Close.	This was discussed by members at the previous panel meeting and therefore is not new material consideration.
Photographs did not clearly consider the property in relation to the appearance and scale of neighbouring properties.	The photographs are a guide to the members in assessing the application.
Access and Parking arrangements	Response
Accessibility to Public Transport	This was discussed by members and commented by the Highway Officer at the previous panel meeting and therefore is not new material consideration. The Highway Officer stated that the area is located within a 'low accessibility' part of the city, where the frequency of buses is less than 10 per hour and the distance to the closest bus stop is more than 400m.

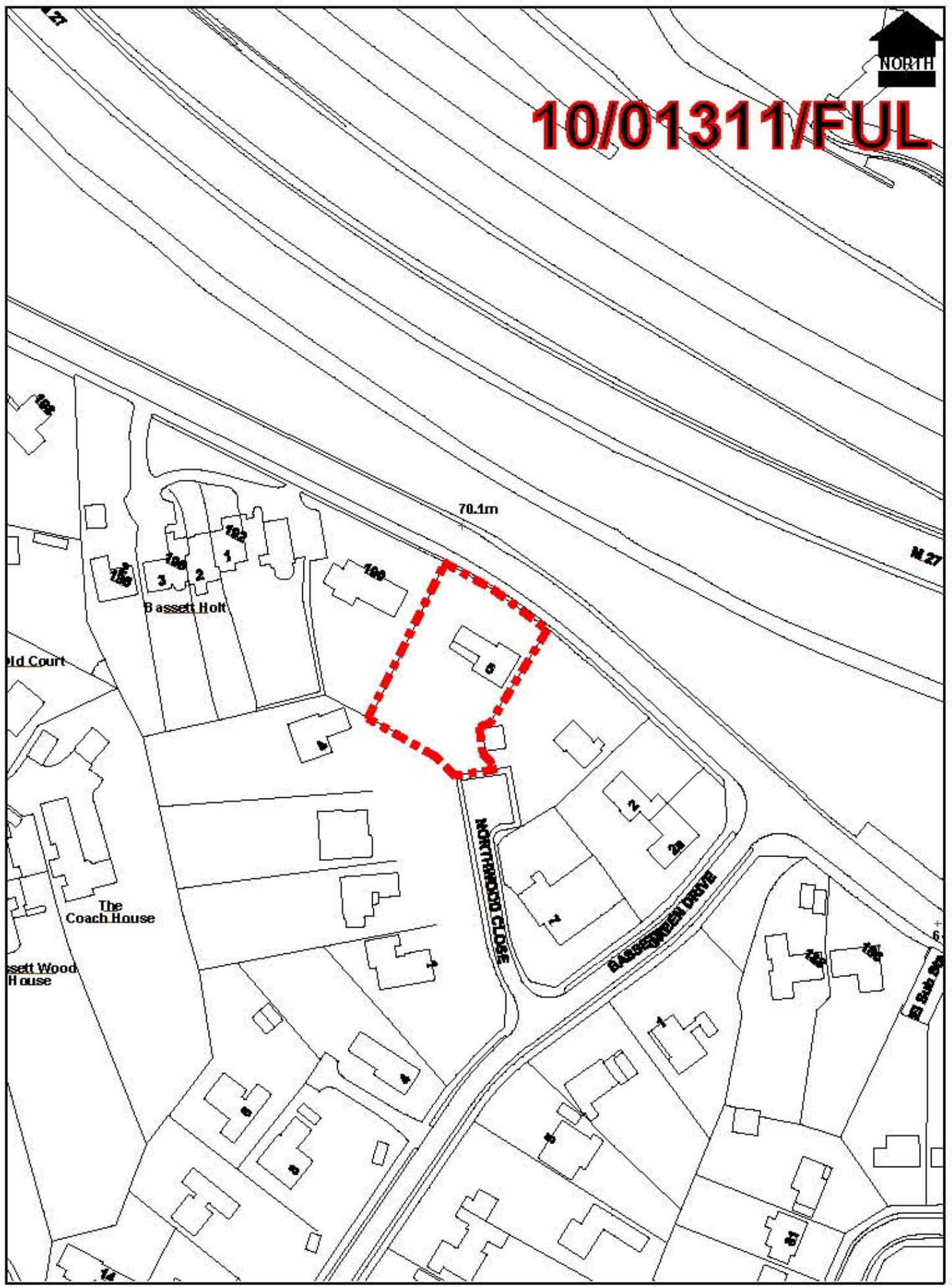
Ease of access for emergency vehicle	The Highway Officer has no objection. The lesser form of development will have less of an impact on highway safety.
Refuse Management and Storage affecting Northwood Close	The Highway Officer has no objection. There will be a maximum requirement of 3 x 360l bins, and there would be adequate space within the designated collection point to store the bins without causing a disruption to traffic.
Closure of pedestrian access to Bassett Green Road, and this is contrary to condition 12 of the Panel Report, and will reduce the flexibility of access for residents.	The Highway Officer has no objection. Condition 12 can be amended. Northwood Close is suitable for safe and convenient access for the residents.
Access to the property in icy conditions	This is not considered to be a material planning consideration as weather conditions are a natural events outside the control of the planning system.
The applicant has converted the property at 7 Northwood Close into a HMO which is already causing problems in terms of overspill parking on Bassett Green Drive and Northwood Close. The panel members were not aware of the installation of bollards on the highway verges along Bassett Green Drive to prevent illegal parking on the verge.	The Highway Officer has no objection. The lesser form of development will have less of an impact on highway safety. SCC Highways Department confirmed on 6 th December 2010 that local residents have complained about parking problems in Bassett Green Drive and Northwood Close including parking on grass verges.
Questions whether the landlord is responsible dealing with tenants parking.	This is not a material consideration. The management and maintenance of the property is the responsibility of the landlord to ensure that the tenants comply with their tenancy agreement.
Residential amenity	Response
The layout of accommodation for family unit would be unsuitable as a family unit.	This was discussed by members at the previous panel meeting and therefore is not new material consideration.

Flat 3 is intended to be a 3 bed unit.	The applicant confirmed in the email dated 22 nd November 2010 that Flat 3 is intended to be 2 bedroom and gave consent for the LPA to update the plans for the avoidance of doubt. Furthermore, a condition can be applied to prevent the intensification of this unit.
The 3 bed unit can be used for multiple occupation	This would not require planning permission, however, permitted development rights can be removed to change from C3 to C4 use.
Intensification of traffic movements will affect amenity of local residents.	Amended scheme is a lesser form of development. The space for on site parking area can be re-landscaped to reduce its size, to minimise additional opportunity for parking by residents beyond the maximum 6 spaces required by the SCC parking standards.
The basement area rooms 1 and 5 can be used for accommodation	These spaces in the basement are designated habitable condition, however, a condition can be applied to prevent the use of these internal spaces by the residents.
The statement by the applicant that the property is occupied as a HMO is contrary to the electoral register. The panel members did not have sufficient information about the occupation of the existing building, which is crucial in comparing the current and proposed uses and impact on residents.	The applicant has a duty to submit accurate information with the planning application. It is also the duty of the applicant as the owner of the property to ensure that the electoral register is completed accurately. Following discussion with the Environmental Health Team confirmed on 6 th December 2010 that no noise and disturbance complaints have been received by local residents.
There will be the risk of crime due to creating less natural surveillance and more dark spaces	Security lighting can be fitted in appropriate location which operates by motion sensors. Details can be agreed under a condition prior to development/occupation. The

	amended proposal is not considered to increase risk of crime and therefore is not contrary to the requirements of policy SDP10.
There will be a new bathroom window which is in contravention of the covenant of the property.	The original proposal included a bathroom windows on the east elevation. These windows are to be obscured glazed. The contravention of the covenant is a civil matter and therefore not a material planning consideration.
Other Matters	Response
Conflicting differences with amended plans and Officer's presentation which gave incomplete information	The Planning Officer's report and assessment was based on the original plans submitted. Following negotiations with the applicant changes to the original scheme were made to achieve a lesser form of development, where the building envelope will not be expanded, and there are wholly changes to the external appearance and internal layout of the building. The nature and scale of these changes are not considered to be significantly material to the original proposal.



10/01311/FUL



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Agenda Item 8

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 21.12.2010
Planning Application Report of the Planning and Development Manager

Application address: Unit 23, Mountbatten Business Centre, Millbrook Road East SO15 1HY			
Proposed development: Change of use of first floor unit from office (Class B1(A)) to education centre (Class D1)			
Application number	10/00994/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Last date for determination:	23.09.2010	Ward	Freemantle
Reason for Panel Referral	Departure from Local Plan	Ward Councillors	Cllr Ball Cllr Moulton Cllr Parnell

Applicant: Kip McGrath Education Centre (Southampton)	Agent: N/A
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Recommendation Summary	Conditionally approve (Temporary consent until 31 December 2013)
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Reason for granting Planning Permission

The application constitutes a departure from the Development Plan (Policy REI 11 (vii) of the City of Southampton Local Plan March 2006). However, other material considerations, namely the skills training offered which serves economic potential of future labour supply, the temporary nature of the permission, the previous period of vacancy of the unit and the importance of retaining employment within the city, outweigh compliance with this policy. The aims of the policy will not be materially prejudiced in the longer term. Conditions have been imposed to satisfy these matters. The scheme is judged to be in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve (Temporary consent until 31 December 2013)

1. The site and its context

1.1 The application site is located in a purpose built industrial estate comprising two storey buildings with surface car parking.

1.2 The industrial estate is set back from the main road and as such is not visible within the street scene. A long access road leads to the centre from Millbrook Road East.

1.3 The surrounding area is mixed in character, comprising of both residential and commercial uses.

1.4 The site is within a high accessibility area and is well served by public transport links.

2. Proposal

2.1 The application seeks retrospective planning permission for a change of use from office (B1(a)) to education centre (class D1).

2.2 The education centre aims to provide professional tuition in Maths and English for children aged 6 – 16. There is also opportunity for additional tuition for specific exams such as GCSE's.

2.3 The centre operates after school hours during the week and on Saturdays as well as during some school holidays. The applicant has requested opening times of 3pm to 8.15pm Monday to Friday and 9am to 6.30pm on Saturdays.

2.4 There are to be three members of staff employed at the centre. 48 children currently attend.

2.5 Two car parking spaces are specifically allocated for use by the unit. There is no allocation for cycle storage.

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 Mountbattern Industrial Estate is allocated under policy REI 11 of the local plan review for the purposes of Light Industry (B1 b and c). The proposal must therefore be assessed as a departure from the Local Plan Review (March 2006). However, due to the potential to improve skills of any future labour force and the temporary nature of the use being considered (which does not adversely impact on the long term use of the site), it does not need to be brought to the attention of the Government Office for the South East for their consideration. The Panel retain the ability to make the decision without a need for referral.

4.0 Relevant Planning History

4.1 88/11027/FUL. Redevelopment of the site by the erection of 5 x 2 and 3 storey class B1 unit blocks together with associated car parking. Approved (11.11.1988).

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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 11.11.2010 and erecting a site notice 11.11.2010. At the time of writing the report 0 representations have been received.

SCC Planning Policy – No objection subject to the granting of a temporary consent.

6.0 Planning Consideration Key Issues

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

- The appropriateness of the change of use in light of the sites REI 11 policy designation
- Operating hours
- Access, parking and cycle storage

6.2 Change of use

6.2.1 Policies contained within the Local Plan Review and the adopted Core Strategy seek to retain employment use within the city and safeguard employment sites for long term employment opportunities. In light of the current economic climate it is considered necessary to offer a degree of flexibility in the assessment of change of use applications in order to achieve this objective.

6.2.2 The applicant has informed the council that the application site has been vacant for some time and it has not been possible to let it for its intended purpose. This has been confirmed by the council's economic manager and demonstrates the relatively low demand for B1(b) and B1(c) type uses within the city centre at this time.

6.2.3 It is considered inherently better that this vacant unit is in use for the short term rather than left vacant for an indefinite period of time.

6.2.4 Following discussions with Planning Policy it was agreed that the granting of a temporary consent would give the opportunity for the education centre to operate from the premises whilst safeguarding the long term B1(b) and B1(c) use of the site. This will allow the local planning authority to reassess the suitability of a permanent change of use when it is better understood how the current economic climate has affected the business market.

6.3 Operating hours

6.3.1 It is considered that the proposed hours of use will not have an adverse impact on existing businesses within the Mountbattern Industrial Estate or the nearby residential dwellings on Millbrook Road East.

6.3.2 It would be considered acceptable for the use to take place throughout the day and as such it is recommended that the premises are allowed to open from 9am Monday to Saturday to give greater flexibility to that use. Closing times of 8.15pm Monday to Friday and 6.30pm on Saturday are considered reasonable.

6.4 Access, parking and cycle storage

6.4.1 The car parking spaces allocated to the unit provide appropriate car parking provision for staff and for parents dropping off and picking children up from the unit. In addition, the site is located within a high accessibility area and as such public transport is readily available.

6.4.2 There is no opportunity on site for cycle storage.

6.4.3 The applicant has taken steps to encourage sustainable travel initiatives by users of the centre. It is estimated that 45% of parents' car share with others, which significantly reduces the overall number of journeys to and from the site. The remaining 55% use their own cars, walk or use public transport.

6.4.4 Waste facilities and collection arrangements will remain as the existing.

7.0 Summary

7.1 Allowing a three year temporary consent will not prejudice the council's long term intention to safeguard this area for purposes of light industry and research and development uses within the city. Nor will it restrict the opportunity for office based businesses to start up or relocate to Southampton. The decision notice will specifically refer to the use being that of an education centre so as to retain control over the specific use of the unit for the three year temporary period being considered.

7.2 Once the temporary permission has elapsed the use class of the unit will automatically revert back to its office designation, as originally approved in 1988. Any future applications for a change of use will need to be considered in relation to the site's policy designation. The application will not therefore represent a precedent for a permanent change in use class within this industrial estate.

7.3 The building has been vacant for some time. A change of use to deliver an education facility within the city rather than have a unit left vacant indefinitely is seen as beneficial to the wider community and future labour supply.

8.0 Conclusion

8.1 The proposed change of use is considered to be an appropriate use of this current vacant unit. The granting of a temporary consent of three years will not adversely impact the council's long term intention to safeguard this site for light industrial activity.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a), 1(b), 2(b), 2(d), 6(c), 7 (a) and 7 (f)

BG for 21.12.2010 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Change of use

The use hereby permitted shall be discontinued after the period specified in this permission and the building restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority on or before the period ending on 31 December 2013, a period of three years.

Reason:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that it is not considered an appropriate permanent use for the premises due to current land designation.

2. APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class

The use of the unit hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) Use Class D1 for, or in connection with, a education centre as provided for and shall not be used for any other use within that Use Class.

Reason:

In recognition of the surrounding land uses and policy designation and to ensure that skills training makes a contribution to the regeneration of the city's economy.

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

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

Monday to Friday	9.00 hours to 20.15 hours	(9am to 8.15 pm)
Saturday	9.00hours to 18.30 hours	(9am to 6.30pm)
Sunday and recognised public holidays	Closed	

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 business units and residential properties.

Note to Applicant.

You are advised that the council has granted a temporary consent based on current circumstances. Any subsequent applications to extend the permission may not be so favourably received.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS11	An Educated City
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
L5	Use of Commercial Premises for Learning
REI11	Light Industry

Supplementary Planning Guidance

N/A

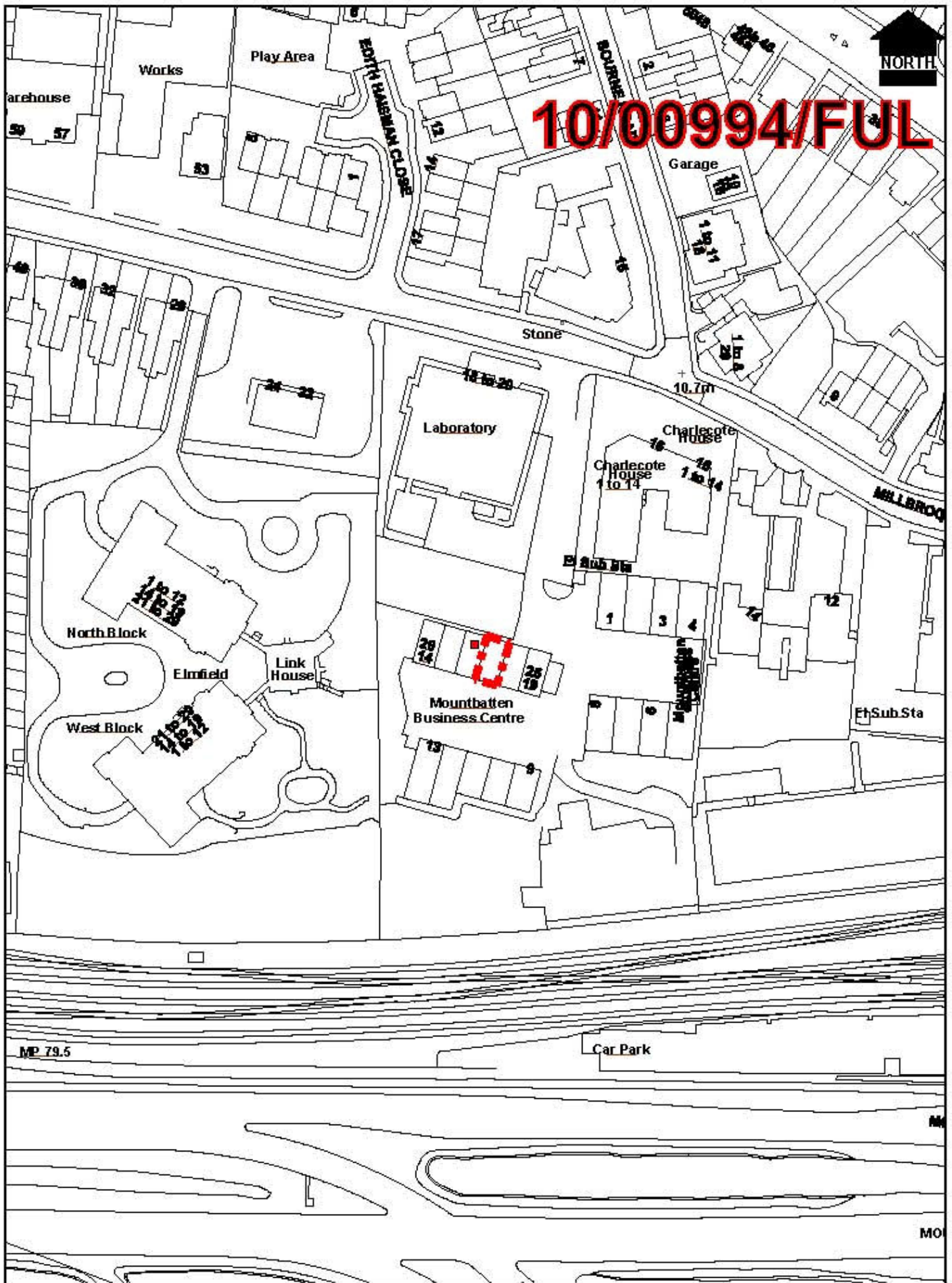
Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)



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