

Planning and Rights of Way Panel

Tuesday, 27th September,
2011
at 9.30 am

PLEASE NOTE TIME OF MEETING

Committee Rooms 1 and 2 - Civic
Centre

This meeting is open to the public

Members

Councillor Jones (Chair)
Councillor Claisse (Vice-Chair)
Councillor Mrs Blatchford
Councillor Cunio
Councillor L Harris
Councillor Osmond
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 Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

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 2011/12

2011	2012
24 May 2011	17 January 2012
21 June	14 February
19 July	13 March
16 August	17 April
6 September	
27 September	
25 October	
22 November	
20 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 16th August 2011 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:30 AM

5 LAND BETWEEN 136-166 ABOVE BAR STREET 11/01074/FUL

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

ITEMS TO BE HEARD BETWEEN 10:30 AM TO 11:30 AM

6 AREA HOUSING OFFICE, YOUTH CENTRE AND CAR PARK SITE, PARKVILLE ROAD, SWAYTHLING 11/00204/FUL

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

ITEMS TO BE HEARD BETWEEN 11:30 AM TO 12:00 PM

7 UNIT 10 STANTON INDUSTRIAL ESTATE STANTON ROAD, SO15 4JA 11/01199/FUL

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

ITEMS TO BE HEARD BETWEEN 12:00 PM AND 12:30 PM

8 15 B BROOKVALE ROAD 11/00849/FUL

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

Monday, 19 September 2011

HEAD OF LEGAL AND DEMOCRATIC
SERVICES

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 16 AUGUST 2011

Present: Councillors Jones (Chair), Claisse (Except Minutes 39 and 41) (Vice-Chair), Mrs Blatchford, Cunio, L Harris, Osmond and Thomas (Except Minute 38)

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

RESOLVED that the Minutes of the Meeting held on 19th July 2011 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.

32. **UNIT A, BAKERS WHARF, 20-40 MILLBANK STREET 11/01007/FUL**

Retention of use for the production of sheet plastic (Class B2 - general industrial use) together with the retention of associated elevational changes including 8 grilles to northern facade and noise attenuated vents to roof.

Mr Patrick (Agent), Mr Reay (Interested Party), Ms Salomon-Olsen (Chamber of Commerce), Ms Tarandip (Local Resident) and Councillor Barnes-Andrews (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE OFFICER RECOMMENDATION (1) TO REFUSE PLANNING PERMISSION WAS CARRIED

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, L Harris, Osmond and Thomas

AGAINST: Councillors Jones and Cunio

UPON BEING PUT TO THE VOTE OFFICER RECOMMENDATION (2) TO INSTITUTE COURT PROCEEDINGS WAS CARRIED

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris, Osmond and Thomas

ABSTAINED: Councillor Cunio

UPON BEING PUT TO THE VOTE OFFICER RECOMMENDATION (3) TO PROVIDE THE APPLICANT WITH AN UPDATED LIST OF AVAILABLE COMMERCIAL PROPERTY WAS CARRIED UNANIMOUSLY

RESOLVED

- (i) that planning permission be refused for the reason set out below;
- (ii) that Court proceedings should be instituted to prosecute the breach of the Enforcement Notice, to secure the cessation of the unauthorised use for the manufacture of plastic products; and,

- (iii) that the applicant be provided with an updated list of available commercial property suitable for relocation.

REASONS FOR REFUSAL

The retention of this general industrial use, operating on a 24 hour a day basis for most days of the year is considered to be injurious to the residential amenities of those living in the Northam Estate opposite the site during the late evening and early morning hours, especially during still, dry weather conditions, by reason of adverse noise impact. Notwithstanding the works which have been undertaken to seek to mitigate noise impact, a number of site visits have revealed a low continuous tonal hum is still present, with intermittent noise episodes, such as a bell ringing when certain plant is in operation, clearly distinguished above background noise levels in the immediate area. The council, as local planning authority, is mindful that such disturbance has been present since 2002; the use is unlawful and has generated complaints, substantiated by noise monitoring. Two planning Appeals have been dismissed, the latter to an Enforcement Notice, which the Inspector upheld and which the applicant has breached. The last Inspector was not prepared to impose mitigating conditions without the certainty of such mitigation working. Officers have also witnessed a side fire exit door being left open and consider that conditions requiring openings to be kept shut during certain hours, deliveries not to be received during certain hours and on-going maintenance of plant to involve an intolerable level of supervision, where the basic test of enforceability is therefore in grave doubt. The council notes the local employment Baba Trading provides, but in overall terms considers the harm from this use continuing on a 24 hour a day basis to be harmful to the amenities of those living close by. As such, the proposals are considered to be contrary to 'saved' Policies SDP1 (i) and SDP16 (i) of the City of Southampton Local Plan Review (March 2006).

33. **THE BOATHOUSE, THE TRIANGLE, COBDEN BRIDGE 10/01041/FUL**

Redevelopment of the site. Erection of a part 4, part 5, and part 6-storey building to provide 51 sheltered housing flats for the elderly (36 x one bedroom and 15 x two bedroom units) with associated parking and a riverside walk.

Mr Child (Agent), Mr Chapman (Dellwharf Residents Society Limited), Mrs Badham (Police) and Mrs Covall (Local Resident) 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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris, Osmond and Thomas

AGAINST: Councillor Cunio

RESOLVED

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

- (a) the applicant entering into a Section 106 Legal Agreement to secure:
- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - iv. Provision of affordable housing in accordance with Core Strategy Policy CS15;
 - v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25;
 - vi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - vii. Submission, approval and implementation of a Construction Traffic Management Plan;
 - viii. Dedication of land to public use, construction and maintenance of a public riverside walk;
 - ix. A refuse management plan
- (b) the conditions in the report, the additional conditions below;

Additional Conditions

31 Age restriction

Occupation of the development shall be limited to persons of over 60 years old or

where there are two or more persons resident, then at least one person shall be over 60 and the remaining occupants shall be at least 55 years old.

REASON:

The Council has had regard to the special circumstances of this residential development in terms of car parking arrangements, amenity space and housing mix as set out in adopted policy CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and is prepared to grant permission on a restricted basis only.

32 Highway Construction

No development shall take place until details of the means of construction for the part of the building adjoining the public highway in Cobden Avenue, including measures for maintaining the stability of the highway, have been submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority

REASON:

In the interests of highway safety.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered, including the scale and form of the proposal, the traffic and parking considerations, safety and security issues associated with the proposed riverside walkway 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, SDP 4, SDP 5, SDP 6, SDP7, SDP 8, SDP9, SDP 10, SDP 11, SDP 12, SDP 13, CLT 5, CLT 11, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

34. BOLDREWOOD CAMPUS, BASSETT CRESCENT EAST 11/00963/TIME

Extension of time to implement previous planning permission (ref 07/00985/OUT) to redevelop the site with new buildings of up to 32,000 square metres floor space for University purposes, 468 car parking spaces, landscaping, temporary and permanent access arrangements, including a new vehicular access from Burgess Road and ancillary works (outline application seeking approval for access arrangements).

Mr Reay (Agent), Mrs Cowie and Mrs Wawman (Local Residents) 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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, Osmond and Thomas

AGAINST: Councillor L Harris

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
 - (a) the applicant entering into a Section 106 Legal Agreement to secure:
 - a) a financial contribution towards measures to encourage the use of alternative modes of transport to the private car in line with 'saved' Policy SDP4 of the City of Southampton Local Plan Review (March 2006), the Local Transport Plan, and the adopted SPG relating to Planning Obligations (August 2005 as amended) as supported by the adopted LDF Core Strategy (2010) highway policies;
 - b) a financial contribution towards off-site highway works related to the scale of development proposed in line with 'saved' Policy SDP4 of the City of Southampton Local Plan Review (March 2006) and the adopted SPG relating to Planning Obligations (August 2005 as amended) as supported by the adopted LDF Core Strategy (2010) highway policies;
 - c) a Highway Condition Survey & Means of Reinstatement Report;
 - d) provision for works under S.278 of the Highways Act to create the new access and signalised junction – if required;
 - e) the submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy and;
 - f) the submission, approval and implementation of a Green Travel Plan (GTP) to address the impact of the parking provision so that it can be assessed along with the transport needs of the development; and
 - g) A Waste Management Strategy;

In addition to that previously agreed the S.106 should also include:

- h) A local training and employment plan to ensure access to jobs for local people is secured (both during and after construction) in accordance with LDF Core Strategy Policy CS24.

In the event that the legal agreement is not completed **by 6th September 2011** the Planning and Development Manager be authorised, if required, to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report.

REASONS FOR DECISION

The development relates to the extension in time of the planning permission 07/00985/OUT that was approved by the City Council in June 2008 following the completion of a S.106 Legal Agreement. It is again acceptable taking into account the policies and proposals of the current Development Plan as set out below. Other material considerations that have arisen since June 2008, including the change in national guidance, the adoption of the Council's LDF Core Strategy (2010), recent appeal decisions along the Avenue, and those other considerations put forward by third parties, and considered as part of the report to the Council's Planning & Rights of Way Panel in August 2011, do not have sufficient weight to justify a refusal of the application. Instead, significant weight has been afforded to the outline permission 07/00985/OUT as updated by the recent detailed approvals for Phase 1, its electricity substation and the associated multi-decked car park. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), Planning Permission should therefore be granted.

Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE6, L7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by policies CS6, CS11, CS13, CS18, CS19, CS20, CS22, CS24 and CS25 of the adopted Local Development Framework Core Strategy (2010) and the Council's current adopted Supplementary Planning Guidance.

35. **130 PORTSMOUTH ROAD 11/00802/FUL**

Erection of a part single-storey, part three-storey rear extension to facilitate conversion from a three bedroom dwelling to 5 flats (4x two-bed and 1x three-bed) with car parking to the front and rear.

Mr Sayle (Agent), Mr Cook and Ms Fox (Local Residents) 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, Claisse, Mrs Blatchford, Osmond
AGAINST: Councillor Cunio and Councillor L Harris
ABSTAINED: Councillor Thomas

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

Additional Condition

15 Lighting

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

REASON:

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

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. 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, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

36. **2 NIGHTINGALE GROVE AND 34 NIGHTINGALE ROAD 11/00443/TIME**

Extension of time to implement planning permission 07/01656/FUL. (Erection of 9 x three-bedroom dwellings within 2 part two/part three-storey terraced blocks with associated parking and amenity space).

Mr Chalke, Mr Haskell, Ms Lloyd, Mr Rabbetts (Local Residents) and Councillor Moulton (Ward Councillor) 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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse and Osmond

AGAINST: Councillors Cunio, L Harris and Thomas

RESOLVED

- (i) that authority be delegated to the Planning and Development Manager to grant conditional planning approval subject to:-
- (a) the applicant entering into a Section 106 Legal Agreement to secure:
- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

Amenity Open Space ("open space")
Playing Field;
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. An undertaking to ensure that the development is completed to shell and core within 24 months of the date of the planning permission. A re-evaluation to take place in the event that this is not achieved with any uplift up to an agreed sum payable to meet

- Section 106 mitigation measures.
- vi. Submission and implementation within a specified timescale of a Council approved Waste Management Plan.
 - vii. In the event of a Residents' Parking Scheme being introduced within Nightingale Grove or Nightingale Road that residents of the development not be eligible for parking permits.

In the event that the legal agreement is not completed within two months of the date of the meeting that the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report, the amended and additional conditions below;

Amended Conditions

3 Boundary Treatment

No further development shall take place until details of retaining walls to be constructed are submitted to and approved by the Local Planning Authority in writing. Before the development hereby approved first comes into occupation, the approved boundary treatment shall be provided in accordance with the details approved and in accordance with drawing number 1908/WD01 Rev D received by the Local Planning Authority on the 3rd March 2011. The boundary treatment shall thereafter be retained as agreed.

REASON:

In the interests of the privacy of the neighbouring properties and to secure a satisfactory residential environment.

17 Construction Environment Management Plan

Prior to the commencement of any further 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. The plan shall also include details of (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary and (e) wheel cleaning facilities for construction traffic. All specified measures shall be available and implemented during any processes for which those measures are required. For the avoidance of doubt, no bonfires are to be allowed on site during the period of demolition, clearance and construction and no vehicles associated with the construction and demolition of the development shall access the site from Nightingale Grove.

REASON:

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

Additional Conditions

20 Refuse and Recycling Collection Point

With the exception of refuse and recycling collection days, no refuse containers shall be left at the collection point in the access from Nightingale Grove, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of the amenities of the neighbouring occupiers.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 16.08.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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), PPS3 (Housing 2011) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

37. **30 HIGH ROAD 11/00437/FUL**

Erection of 2-storey, 1 x 4 and 1 x 3-bed, semi-detached houses with accommodation in the roof space, rear dormer windows, associated parking and refuse/cycle storage.

Mr Poswall (Applicant), Mrs Lisle (Local Resident) and Councillor Vassiliou (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

Officers recommended an amendment to condition no 11 and three additional conditions in respect of land contamination, detailed below:

Amend condition 11:

APPROVAL CONDITION – Refuse and Cycle Storage [performance condition]

The store for plot A for the refuse containers and cycles and the access to them shall be provided in accordance with the details hereby approved before the development first comes into occupation and thereafter retained as approved. Before the

development hereby approved first comes into occupation, revised details of the bin and cycle storage for plot B shall be submitted to the Local Planning Authority for approval in writing. The storage shall be provided prior to first occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development

Additional Conditions:

APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

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

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

Reason:

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

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.

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.

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

RECORDED VOTE:

AGAINST: Councillors Jones, Mrs Blatchford, Claisse, Cunio, L Harris and Thomas

ABSTAINED: Councillor Osmond

A FURTHER MOTION PROPOSED BY COUNCILLOR MRS BLATCHFORD AND SECONDED BY COUNCILLOR JONES THAT THE APPLICATION BE REFUSED FOR THE FOLLOWING REASONS WAS CARRIED

REASONS FOR REFUSAL

Overdevelopment of the site

The proposal would represent an overdevelopment of the site by reason of the following design issues:

(i) The separation distances between the proposed dwellings and the rear of the existing dwellings at 30-32 High Road and the properties in Rayners Gardens are less than those set out in the Residential Design Guide adopted Supplementary Planning Document (September 2006), meaning that the proposal would have an adverse impact on the amenities of the existing and future occupants of the neighbouring property (paragraphs 2.2.1 to 2.2.10 of the Residential Design Guide refers). The development would therefore, prove contrary to the provisions of policy CS13 (11) of the

Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and saved policies SDP1 (i), SDP7 (v), SDP9 (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006).

(ii) It has not been demonstrated that an acceptable width of vehicular access into the site can be achieved which could therefore have a detrimental impact on the safety and convenience of the future occupiers of the site and users of the adjacent highway. This proves contrary to saved policies SDP1 (i) and SDP4 of the Southampton Local Plan Review (September 2006).

(iii) The storage for refuse and recycling is overly remote to the collection point on High Road which would create a poor residential environment for future occupants of the development and is likely to result in refuse containers being permanently left adjacent to the public highway to the detriment of the character of the area. This is not in accordance with policies SDP1 (i) and as supported by section 9.3 of the Residential Design Guide Supplementary Planning Document.

(iv) The storage for cycles is not conveniently located in terms of taking cycles from the store to the public highway. The development would therefore fail to promote cycling as a sustainable alternative to the private car and would therefore, not be in accordance with policy CS19 of the Southampton Core Strategy (January 2010), saved policy SDP5 (iii) of the Local Plan Review and as supported by section 5.3 of the Residential Design Guide Supplementary Planning Document (September 2006); and,

(v) The percentage site coverage of built form and hard surfaced areas at just under 68.9%, exceeds the guidance of paragraph 3.9.2 of the Residential Design Guide (September 2006).

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, L Harris and Thomas

ABSTAINED: Councillor Osmond

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

38. **241 ALDERMOOR ROAD 11/00447/FUL**

Change of Use of ground floor to hot food takeaway (Class A5).

Mr Pottiwal (Applicant) and Ms Dyer (Local Resident) were present and with the consent of the Chair, addressed the meeting.

Councillor Thomas (Ward Councillor) was present and with the consent of the Chair, addressed the meeting. After speaking Councillor Thomas withdrew from the meeting and was not present for the determination of this item.

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

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

Additional Condition

6 APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour

No cooking process shall take place until and unless the approved scheme for the control of noise, fumes and odours from extractor fans and other equipment has been installed and operated and thereafter maintained in full working order. The development shall be implemented in accordance with the approved details and findings.

REASON:

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

REASONS FOR DECISION

The principle of a change of use of from the currently vacant A1 shop to an A5 takeaway use is acceptable and this would contribute to the viability of the local parade and street activity during the daytime without an adverse impact on public amenity and highway safety. The change of use would not be materially harmful to visual amenity and therefore compliant with "saved" Policies SDP1 of the City of Southampton Local Plan Review (March 2006) and Policy CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010). Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable.

39. **8 SHERBORNE ROAD 11/00753/FUL**

Erection of a part single storey and part two storey rear extension and single storey side extension (Resubmission 11/00264/FUL).

Mr Gillen (Highfield Residents' Association), Ms Blue (Local Resident) and Councillors Claisse and Vinson (Ward Councillors) 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, Mrs Blatchford, L Harris, Osmond and Thomas

AGAINST: Councillor Cunio

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

Additional Condition

06 Restricted number of occupants

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order amending, revoking or re-enacting that Order, the number of occupants at 8 Sherborne Road shall not exceed five.

REASON:

To prevent an over intensified use of the property in the interest of preventing actual and perceived fear of harm to residential amenity within the area caused by a sixth person living within the property, given the high proportion of properties in the area which are used as houses in multiple occupation and the limited car parking available on site and on-street in the general area.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on the appearance of the host dwelling, character and appearance of the area and residential amenities (including the intensification of use) 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 (i) (ii), SDP7 (iv) and SDP9 (i) (v) of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

NOTE: Councillor Claisse declared an interest and withdrew from the meeting for the determination of this item.

40. **36 OMDURMAN ROAD 11/00892/FUL**

Erection of a part two-storey, part single-storey side extension.

Mr Faulk (Applicant), Mr Gillen (Highfield Residents' Association), Mr Holloway, Mr Gundlach (Local Residents) 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

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Cunio, Osmond and Thomas
AGAINST: Councillors Claisse and L Harris

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

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on appearance of the host dwelling, character and appearance of the area and residential amenities in terms of a loss of privacy, outlook and overshadowing 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

41. **8 GROSVENOR CLOSE 11/00871/FUL**

Erection of a single-storey rear and side extension (existing garage to be demolished) (resubmission of 11/00379/FUL).

Mr Banyard (Agent), Mr Gillen (Highfield Residents' Association) 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 conditional planning permission be granted subject to the conditions in the report.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including impact on appearance of the host dwelling, character and appearance of the area and residential amenities in terms of a loss of privacy, outlook and overshadowing 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

NOTE: Councillor Claisse declared a prejudicial interest in the above item and withdrew from the meeting.

42. **73 MILTON ROAD 11/00754/FUL**

Erection of a single storey rear extension.

Officers recommended that the application be deferred to enable the description of development to be amended to read 'Replacement two storey extension and part single storey rear extension'

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO DEFER WAS CARRIED UNANIMOUSLY

RESOLVED that the item be deferred.

43. **ROSEBANK COTTAGE AND LAND ADJOINING INCLUDING PART OF FORMER PLAYING FIELDS, STUDLAND ROAD**

Re-development of the site. Demolition of Rosebank Cottage and erection of 31 dwellings (12 x two-bedroom flats, 7 x two-bedroom houses, 10 x three bedroom houses and 2 x 4 bedroom houses) with associated access and parking, includes closure of part of the public highway in Studland Road (Outline application seeking approval for access, layout and scale).

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO GRANT CONDITIONAL PLANNING PERMISSION SUBJECT TO RECEIPT OF AN UNDERTAKING FROM THE HEAD OF PROPERTY AND PROCUREMENT SERVICES THAT THE TRIPARTITE CONTRACT FOR THE SALE OF LAND BE CONDITIONAL UPON RAGLAN HOUSING ASSOCIATION OR ANY OTHER SUBSEQUENT LANDOWNER ENTERING INTO A S106 AGREEMENT SIMULTANEOUSLY TO THE LAND TRANSFER WAS CARRIED

RECORDED VOTE:

FOR: Councillors Jones, Mrs Blatchford, Claisse, Cunio, L Harris and Osmond

AGAINST: Councillor Thomas

RESOLVED that:

- (a) approval be given for the stopping up of that piece of public highway in Studland Road forming the existing site access under Section 257 of the Town and Country Planning Act necessary to allow the development to proceed;
- (b) conditional planning permission be granted subject to the receipt of an undertaking from the Head of Property and Procurement Services that the tripartite contract for the sale of the land owned by the Council and Mr Daniel Grimes, the subjects of this application, will be conditional upon Raglan Housing Association or any other subsequent landowner entering into a S106 agreement with the Council simultaneously to the land transfer to secure the following:-
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT3, CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policies CS21 CS25 of the adopted LDF Core Strategy

(2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended), to mitigate for the loss of that part of the site which is currently protected open space:-

- Amenity Open Space (“open space”);
 - Playing Field;
 - Play space/equipment;
- iv. The provision of 35% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer; and
- (c) subject to the conditions in the report.

REASONS FOR DECISION

Following the Panel resolution of the 31st August 2010, the Council has been unable to secure one of the mortgagee's, linked with the parcel of land owned by Mr Grimes, to become party and sign the Section 106 Agreement, as a result of that mortgagee's own policy on signing Section 106 Agreements. As such, as currently resolved the planning permission cannot be issued and the delivery of the scheme has stalled. Therefore to ensure deliverability of the scheme the Council, subject to advice from the Council's Solicitor acting on behalf of the Council, is satisfied that a tripartite contract between all interested parties provides the control over the land to revise the procedure for completing the Section 106 as recommended by this report. In short, the Section 106 Agreement can be completed at the land transfer stage, without the mortgagee in question, thus enabling the planning permission to be issued and the scheme free to be implemented.

44. **PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Panel received and noted the report of the Planning and Development Manager in respect of the Supplementary Planning Document setting out vehicle and cycle parking outside the defined City Centre area. (Copy of the report circulated with the agenda and attached to the signed minutes).

The Panel discussed and endorsed the report which will be presented to Cabinet, with the request that sufficient consideration be given to vehicles of alternative fuel types.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 27 September 2011 - Committee Rooms 1 and 2

PLEASE NOTE: IF NECESSARY THE PANEL WILL BREAK FOR LUNCH

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.30 AM</u>				
5	RP	DEL	15	11/01074/FUL / Land between 136-166 Above Bar Street Southampton
<u>BETWEEN 10.30 AM AND 11.30 AM</u>				
6	SH	DEL	15	11/00204/FUL / Area Housing Office, Youth Centre and Car Park Site, Parkville Road Swaythling
<u>BETWEEN 11.30 AM AND 12.00 PM</u>				
7	SL	CAP	5	11/01199/FUL / Unit 10 Stanton Industrial Estate, Stanton Road SO15 4JA
<u>BETWEEN 12.00 PM AND 12.30 PM</u>				
8	SL	CAP	5	11/00849/FUL / 15 B Brookvale Road

Abbreviations:

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent REC - Recommendation

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 Ethelbert 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) PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004)
- (i) PPG8 Telecommunications (August 2001)
- (j) PPS9 Biodiversity and Geological Conservation (August 2005)
- (k) PPS10 Planning for Sustainable Waste Management (July 2005)
- (l) PPS11 Regional Spatial Strategies (September 2004 – amended January 2009)
- (m) PPS12 Local Spatial Planning (June 2008)
- (n) PPG13 Transport (January 2011)
- (o) PPG14 Development on Unstable Land (April 1990)
- (p) PPG17 Planning for Open Space, Sport and Recreation (July 2002)
- (q) PPG18 Enforcing Planning Control (December 1991)
- (r) PPG19 Outdoor Advertising Control (March 1992)
- (s) 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: 6/01/11

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Agenda Item 5

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 27 September 2011
Planning Application Report of the Planning and Development Manager**

Application address: Land between 136-166 Above Bar Street, Southampton			
Proposed development: Erection of two buildings, one of which would be up to 10-storeys in height, to provide an arts complex incorporating two auditoria, gallery space etc; ground floor retail/restaurant/cafe/drinking establishments (Classes A1/A3/A4) and 29 flats (7 x one-bedroom, 15 x two-bedroom and 7 x three-bedroom) with underground parking of 33 spaces. The development proposes stopping up an existing right of way, stopping up an area of public highway on Above Bar Street and the formation of a new street between Above Bar Street and Park Walk incorporating a replacement public right of way.			
Application number	11/01074/FUL	Application type	FUL
Case officer	Richard Plume	Public speaking time	15 minutes
Last date for determination:	7.10.2011	Ward	Bargate
Reason for Panel Referral:	Referred by the Planning & Development Manager as considered to be of strategic importance	Ward Councillors	Cllr Bogle Cllr Noon Cllr Willacy
Applicant: Grosvenor Developments Ltd		Agent: Savills Planning	
Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report		

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Local Planning Authority is satisfied that the proposed buildings would not have a detrimental impact on the setting of adjoining listed buildings or the adjoining park of historic interest. 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 planning permission should therefore be granted.

Policies - SDP1, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, HE3, HE5, HE6, CLT1, CLT5, CLT6, H1, H2, H7, REI7 and MSA5 of the City of Southampton Local Plan Review (March 2006) and CS1, CS3, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS18, CS19, CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

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

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including paying for the necessary Traffic Regulation Order, in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
- iii. Financial contributions towards open space improvements required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
- iv. Provision of affordable housing in accordance with Core Strategy Policy CS 15.
- v. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives in line with Core Strategy Policies CS24 and CS25.
- vi. Submission, approval and implementation of Public Art in accordance with the Council's Public Art Strategy.
- vii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- viii. Submission, approval and implementation of a Waste Management Plan.
- ix. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.

That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to vary or add conditions as necessary as a result of further negotiations with the applicant and analysis of the viability appraisal.

1. The site and its context

- 1.1 The application site, an area of approximately 0.52 hectares, is situated on the eastern side of Above Bar Street. The site was previously the Tyrrell and Green department store, the building was recently demolished and the land grassed over apart from a central tarmaced footpath which crosses the site. The 'red line' of the application site includes part of the public highway in Above Bar Street and Park Walk.
- 1.2 The surroundings are predominantly commercial in character, 3-storey properties adjoin on either side with shops or food and drink uses on the ground floor and ancillary uses above. Adjoining to the west is the newly refurbished Guildhall Square with the 6-storey office building (One Guildhall Square) on the south side

of the square and the 4-storey Sir James Matthews building on the north side. East Park, which is a park of special historic interest, adjoins to the east. The application site is not within a conservation area, however, there are listed buildings in the vicinity, most notably the Civic Centre complex and Guildhall which is listed Grade II*.

2. Proposal

- 2.1 The application proposes a mixed use development with the main activity providing a new Arts Centre which would bring together existing arts and cultural organisations onto a new site. The arts space would occupy 6,127 square metres of floorspace and provide two separate theatre auditoria with capacity for 450 and 120 people. The remaining art gallery space and studios would be used by the John Hansard Gallery and City Eye. The proposed ground floor commercial use (a total of 2,230 square metres floorspace) would be either retail use (Class A1), cafe or restaurant (Class A3) or drinking establishments (Class A4). The remaining use would be residential with 29 flats (7 x one bedroom, 15 x two bedroom and 7 x three bedroom units).
- 2.2 The development proposes two new buildings either side of a new link street, 12 metres in width which would follow the line of the existing footpath. Both buildings would accommodate the new arts space and ground floor commercial space. The proposed southern building would provide gallery space and two new commercial units at ground floor level, additional gallery space and arts facilities on the first floor and the flats on the upper floors. The overall height of the southern building would be approximately 37 metres with 7 floors of residential above the arts space. The northern building would accommodate 4 commercial units fronting either Above Bar Street or the new link street with the two auditoria and associated facilities above. The height of this northern building would be approximately 23 metres to the top of the auditorium roof.
- 2.3 The proposed external materials are indicated to be masonry to match the Guildhall for the entrances to the Arts Centre, a lightweight stone-coloured terracotta rainscreen cladding system, incorporating a pattern, for the main body of the building and the auditoria will be clad with an anodised finish metal mesh which could be illuminated at night. Brickwork will be used to the north and south ends of the building where it abuts neighbouring buildings and the same dark smooth brick will be used along Park Walk at ground floor level where there are a number of service entrances. The roofs to the residential south building will be a standing seam type zinc roof and there would be areas of green roof around the edge of the building where the flat roofs are not being used for terraces/balconies. The window frames to the flats and shopfronts will be anodised aluminium and the balconies to the flats will have glass balustrades.
- 2.4 Vehicular access to the site would be from Park Walk. Basement car parking (33 spaces) would be provided under the southern building which would be accessed via a car lift. All servicing, waste collection and deliveries to the site would be from Park Walk. Alterations will be needed to the existing parking arrangements in Park Walk to make provision for servicing. Two delivery bays will be provided to serve the north building. The northernmost loading bay will be 18 metres in length and is intended to accommodate large articulated vehicles for use by the theatre for stage setup and breakdowns. A second smaller loading bay will be used by refuse vehicles and other delivery vehicles of 12 metres or less. For the south

building one 12 metre delivery bay is provided for refuse collection and retail deliveries. The larger delivery and servicing vehicles associated with the development would be expected to reverse into the new link street in order to leave Park Walk in forward gear.

- 2.5 In terms of rights of way and highway works, the proposal includes 'stopping up' of an existing right of way (the tunnel which previously went through the former Tyrrell and Green building); 'stopping up' an area of public highway (footway) on Above Bar Street and the creation of a replacement public right of way through the site. Although East Park is not within the red line of the application site, the application shows how footpaths within East Park could be re-aligned to relate better to the new link street. This would involve new hard and soft landscaping works which are illustrative at this stage but could be funded by the developer through the Section 106 agreement.
- 2.6 The application is accompanied by a series of background reports: Design and Access Statement; Transport Assessment; Access Servicing Strategy and Waste Delivery Plan; Townscape, Heritage and Visual Impact Appraisal; Sustainability and Energy Statement; Flood Risk and Drainage Assessment; an Archaeology Desk Based Assessment; Noise Assessment and Air Quality Assessment.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The application site is allocated for development in the Local Plan under Policy MSA 5. This allocation covers not just the application site but adjoining properties on both sides of Above Bar Street as well as the Civic Centre complex. Policy MSA 5 promotes a mixed use cultural quarter to complement existing retail activity in the city centre and, to include: educational and cultural facilities; leisure uses - restaurants, cafes and bars; residential at first floor level and above; student accommodation or offices (Class A2 and/or B1). The policy also sets out certain design principles which are addressed later in this report.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The City Centre Urban Design Strategy (CCUDS) has been approved by the Council as supplementary planning guidance to the Local Plan and should be taken into account in the determination of this application. Key aims of the strategy are to enhance ‘arrival’ and movement through the city; to improve the visual quality and coherence of the city centre and achieve a high quality environment for Southampton. The strategy seeks to develop the character area concept within the city centre (the application site is within the Central Parks Character Area). Within this area the design objectives are: to maintain the main visual corridors through the Central Parks; key west-east pedestrian routes across the city should be reinforced; primary public spaces surrounding the civic centre should be completely refurbished; the public realm should be paved and finished with high quality contemporary components. CCUDS identifies the Civic Centre environs and Guildhall Square as one of 7 keynote projects within the city centre.

Specific objectives are: to redevelop the Tyrrell and Green department store as a landmark building with a bold new architectural form to provide new commercial and cultural facilities; the role and stature of Guildhall Square as a key public space on the central spine of the city should be promoted; strategic views from the parks to the Guildhall should be maintained and pedestrian links improved.

4. Relevant Planning History

- 4.1 The application site was occupied for many years by the Tyrrell and Green department store which closed in 2000 when the West Quay Shopping Centre was built. The retail building was demolished in 2010.
- 4.2 In 2007 a planning application was submitted for redevelopment of the site with two new buildings ranging in height from 9-storeys to 18-storeys to provide new arts facilities, a new commercial unit (Class A1/A3) and 282 flats (46 studios, 106 x one bedroom, 126 x two bedroom and 4 x three bedroom flats) with associated parking and formation of a new street between Guildhall Square and Park Walk. This application (reference 07/01686/FUL) did not proceed as the developer went into administration and has recently been withdrawn.
- 4.3 In February of this year planning permission was granted for the use of this site, Guildhall Square and the adjoining public highways for public events. This permission (reference 11/00003/R3CFL) restricts the use to a maximum of 225 days in any calendar year for Guildhall Square itself and 50 days per calendar year for the remainder of the site. The hours of operation are between 06.00 to midnight.
- 4.4 In March of this year the Council issued a 'screening opinion' under the EIA Regulations (reference 11/00244/SCR) confirming that the proposed development did not require the submission of an Environmental Statement.

5. Consultation Responses and Notification Representations

- 5.1 Pre-application consultation was carried out by the applicant, including a public exhibition on 18/19 May this year. 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 (21 July 2011) and erecting a site notice (21 July 2011). At the time of writing the report 1 representation has been received raising the following matter:

The east elevation of the development indicates that only the four middle pillars of the Guildhall portico would be visible from the park. The design would be greatly improved if the new link street were wide enough for the whole of the front facade of the Guildhall to be visible.

Response

This issue is addressed later in this report and in the comments made by the Council's City Design Manager.

- 5.2 **SCC Highways** - The impact of this development is unlikely to have a material impact on peak hour traffic flows. It will generate new trips outside of these times

which will mostly involve specific trips to the site (i.e. non linked trips). However, this should not greatly impact on the overall movement of city centre traffic. Although a delivery and servicing plan has been submitted, it does not clearly explain how the larger vehicles which will need to reverse into the link road will be controlled during peak hours.

- 5.3 **SCC Archaeology** – An archaeological desk-based assessment has been submitted with the application. I agree with the conclusions that, although there may be some archaeology surviving on the site, this is likely to have been significantly impacted by the previous development. Consequently, as long as a phased programme of archaeological work is implemented in advance of the development, this can be secured by conditions.
- 5.4 **SCC Sustainability Team** – No objections to the application subject to conditions being imposed.
- 5.5.1 **SCC City Design Manager** – The scale of the development facing Above Bar and the Guildhall Square, of 4 storeys (about 9.1m above ground level) in height is appropriate. It sits well within the existing streetscene but would also allow for future redevelopment of sites to the north and south which might be taller. Of particular significance is the symmetrical design of the two arts complex entrances about the axis of the Guildhall portico, which have a suitable scale and monumentality reflecting that of the existing portico and visually responding to its primacy. This is further enhanced by the articulation of the elevational treatment which draws a visual focus on the entrances whilst tying in the commercial ground and first floor uses with a ribbon of masonry at second floor level. This also gives visual weight to these uses whilst allowing the upper floors to have a more solid visual treatment with fenestration penetrating the masonry elevation in a regular manner reflecting the uses behind. The development therefore achieves continuous active frontage to this elevation, whilst ensuring that the entrances to the arts complex are appropriately distinctive in their form and visual dominance. In addition the height of this feature has a visual tie with the Portland Stone clad framing at fifth floor level of the frontage to the One Guildhall Square office block. The Above Bar elevation is also articulated to bring forward the entrances, maximizing the floor plates, whilst allowing the orientation of the elevation to the south block to give a greater level of visibility and legibility to views from the south, an important factor in the need to draw pedestrian flows up from the precinct area. The entrances themselves are splayed to provide greater visibility and relaxation of the enclosure to the space at the entrance to the link street. This elevation is also broken to further reflect the existing scale and plot widths of existing development to the south. The residential part of the development has been carefully designed to recede in views from the south and the Guildhall; its form is broken into smaller elements providing space for recessed balconies which reduces its mass whilst retaining a regular form of fenestration that does not distract from the primary focus which is of the arts entrances.
- 5.5.2 The scale of the development facing Park Walk, rising from 3 storeys, to 5 storeys, with the auditoria roofs set back but rising to about 6/7 storeys to the north block, and 3 storeys rising 10 storeys (about 38m above ground level) to the south block, is appropriate given the scale of the park itself, its open space and its trees. The desire to achieve a frontage to East Park with continuous active frontages has been largely achieved. The planning for interior uses necessitates

some servicing access, however the commercial uses that front Above Bar have been extruded to the Park Walk elevation providing activity to the link street as well as the corners of the entrance to this from Park Walk. In addition the mass of the residential development has been articulated to provide a focus on the residential entrance foyer. This should be further enhanced and made more legible through a suitable entrance canopy, lighting and signing. Upper floor arts uses will further activate this elevation, including the provision of a terrace at the equivalent of third floor level to the link street corner of the northern arts block, whilst residential terraces activate the south block corner and extend along the northern elevation as well. The mass of the residential 'tower' is further articulated with recessed balconies, terraces, a stepping back of its wings and a change in the materials used to give emphasis to a slender tower rising up to the full 10 storeys. The use of the mono pitch roofs also relate well to the roofs of the Civic complex and begin an expression that could help if sites to the north and south were redeveloped in the future.

- 5.5.3 The link street is slightly narrower, at 12m, than originally envisaged, at 14-18m, however this guidance was given on the basis that both blocks might be developed to a much greater height as originally envisaged. As the proposed scheme is not as tall overall, a narrower width is acceptable and this is consistent in width with other cross streets in the city centre such as Portland Street. The proposed street to height is 12 to 16m in proportion which will give a distinct feeling of enclosure in this space, it will also create a feeling of 'tension' at the arts entrances as you pass through the space which will add to the drama of the views captured to the east and west of the park and towards the Guildhall and Clock Tower. The elevations facing into this street have been articulated in a similar manner to the Above Bar and Park Walk elevations both being overlooked at ground level by gallery and commercial uses. At second floor level a café in the north block will benefit from sunlight and activate this elevation at high level. On the south block at third floor level terraces overlook the street however these are set back behind a green roof feature which will prevent personal use of the terraces distracting from the view from within the link street.

The Townscape, Heritage and Visual Impact Appraisal recognises the beneficial impact that the development will have on its locality compared with the current vacant site. The photomontages illustrate how comfortably the mass of the proposed scheme sits in the cityscape. Long distance views from the Itchen Bridge show that the Civic Clock Tower maintains its dominance, as the development only slightly protrudes above the tree line of the parks, however at night any lighting scheme could have a significant beneficial impact on this view. The shadow studies indicate that there will be little adverse impact of the development on public spaces and that this would mainly happen in the link street in the morning and early afternoon, however by the mid to late afternoon and into the evening the main frontage facing the Square, as well as the link street, will benefit from the west setting sun, also benefitting street cafes that it is intended will populate these areas.

5.5.4 Appearance

The proposal to use a masonry cladding similar in colour to Portland stone to the main features of the entrances is fully supported. The principle of the terracotta rainscreen cladding with a pattern as illustrated in the submission is also supported, however the choice of colours for this needs further exploration. The suggested grey colour is believed to be out of keeping with the characteristic

colours of the city centre and in particular this area of the city, being too dull and potentially oppressive when viewed 'en masse' such as from the park, where the residential tower could look very austere. Warmer and lighter tones would be more appropriate contrasted with either a darker neutral colour or a glazed tile in a bold colour, as proposed in the pre application discussions. Indeed, whether intended or not by the architect Berry Webber, the Civic itself uses copper roofing to visually lift its stark monotone elevations of Portland stone. This needs to be considered along side proposals for signing both the arts complex and the commercial units. The choice of brick colour for the Park Walk elevation again should ensure that it is not too oppressive (given a wet and dark day) and sit well with other colours proposed. The proposed use of an anodised expanded metal cladding offers great opportunity for a choice of coloured or white lighting to be used to express the form of the auditoria roofs, and zinc clad roofs would offer a suitable quality of finish to the pitched roofs.

The signing of the arts complex and the commercial units will need further development in detail and control to ensure they fit in well with the proposed design. Equally proposals for lighting will need further development with wall mounted lights used where possible to avoid unnecessary street clutter. The use of coloured lighting to highlight the roof and other parts of the structure needs to be considered alongside any branding exercise to ensure colours used are compatible. Services will inevitably be necessary in some of the roof top locations. The siting of these needs to be controlled by condition to ensure their impact is minimised.

5.5.5 Summary

This development offers a high calibre of architecture which has addressed the design challenges set by the site's context and the development brief in an extremely competent manner. A visually stimulating development, it has the potential to significantly enhance the Cultural Quarter offer as well as improving the cultural offer of the city as a whole through its combination of complementary mix of uses. In such a prestigious location, it has the strength of presence to stand opposite one of the most memorable buildings in our city, the Civic Centre, as well as our newly redesigned Guildhall Square and our magnificent Central Parks. This development proposal promises to become one of the main visitor attractions and renew the appeal of the city centre as a place to spend the day, and the evening.

5.6 **Hampshire Chamber of Commerce** - Support the development as it will become the showcase of Southampton's Cultural Quarter. The Chamber considers the scheme to be of outstanding design. The arts complex promises to be a major element of the cityscape on a key site providing a regional attraction in its own right. Other comments made by the Chamber: approve of the residential provision which is set back from the street line and pleased to see it includes family sized flats with large terraces; the low carbon design features met with approval but suggest additional green planting to the link street would emphasise the connection between the heritage parkland and the city centre.

5.7 **BAA** – No objection to the proposal as it would not conflict with aerodrome safeguarding criteria.

5.8 **Hampshire Constabulary** – No objections subject to detailed design measures

including quality of external doors etc. As the development is sited within a higher crime area the developer should take all reasonable steps to achieve Secured by Design.

- 5.9 **Southern Water** – Initial investigations indicate that Southern Water can provide foul sewage and surface water disposal to service the proposed development. Southern Water therefore have no objection to the development subject to conditions covering connection to the systems, measures to be undertaken to protect the public sewers and water supply mains.
- 5.10 **Environment Agency** - No objections
- 5.11 **Natural England** - No objections
- 5.12 **Garden History Society** - do not wish to comment on the application
- 5.13 **City of Southampton Society** - No objections to the application
- 5.14 **Southampton Commons and Parks Protection Society** - SCAPP's general concerns are with the impact of this development on two very significant open spaces, East Park and Guildhall Square. SCAPP's welcomes the application which will provide valued cultural facilities and, by and large, achieves a satisfactory compromise between a number of different design objectives. The axial vista, from the park to the portico of the Guildhall and the civic centre clocktower and vice versa, is welcomed. Ideally SCAPPS would have wished to see a slightly wider 'street' but is satisfied that the elevational treatment to Guildhall Square achieves an acceptable compromise. The proposed continuation of the axial feature across Park Walk and into East Park would be welcomed and the developers should give consideration to funding such work.
- 5.15 **English Heritage** - (Comments at the pre-application stage - any updated comments to be reported verbally to the meeting). The general scale of the scheme is much more satisfactory than that subject of the 2007 planning application. The reduced height, compared to that previous submission, would have relatively little impact on the nearer views of the Civic Centre and would not compete with the Civic Centre Clocktower. The design would satisfactorily address and complete the square.
- 5.16 **SCC Rights of Way Officer**- The application involves developing on an adopted highway footpath which was subject of a failed diversion order. The old footpath that formerly went through the 'tunnel' of the old Tyrrell and Green building legally still exists. There is no objection to the proposal providing the due legal process of diversion of the footpath is carried out before any works are undertaken to build over the legally existing right of way.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of the development and the mix of uses proposed;
 - Design issues, including the height and form of the development and the impact on the setting of adjoining listed buildings and the historic park;

- Transportation issues;
- Sustainability and environmental impact;
- Regeneration issues

6.2 Principle of Development

The promotion of this part of the city as a Cultural Quarter is a long standing aspiration of the Council. Various design and masterplanning documents identify this site as a keynote project to provide a landmark building and significantly upgrade the public realm with improved east-west connectivity including to the parks. This proposed mixed use development is fully in accordance with these policy aims and design aspirations. The arts complex will provide a variety of activities with two auditoria for the performing arts, studio space which can accommodate dance, cabaret and live music events, together with space for three galleries and space for City Eye who promote film and video culture. Whilst the arts complex is the 'anchor' use there is a need for commercial development to help fund the provision of this arts space. The proposed ground floor commercial units would provide an active frontage to Above Bar Street and the new 'link street'. The uses proposed, either retail (Class A1) cafes and restaurants (Class A3) or drinking establishments (Class A4) are in accordance with Policy CLT 14 of the Local Plan which designates this area as a Night Time Zone. The applicant has stated that flexibility is required for the future letting of these units but the intention is that a maximum of two of the units (one in each building) would be occupied as drinking establishments (Class A4). This could be controlled through a condition to ensure a balanced mix of uses is achieved.

6.3 Residential use is included as part of the mix of uses although of a much reduced scale to that proposed by previous developers. A reasonable mix of flat sizes are proposed including 7 family sized units, all of which are generous in size and include private amenity space areas in excess of the standards in the Core Strategy. The proportion of family sized units proposed (24%) is below the city wide target of 30% but the policy does allow for this target to be varied depending on the established character of the neighbourhood and the viability of the scheme. As this is a city centre location and the accommodation is on the upper floors of a busy commercial development, this reduced amount of family housing can be justified. The layout of the proposed flats is considered to be acceptable, most of the flats are dual aspect and there are no solely north facing units.

6.4 Design Issues

Members attention is drawn to the detailed comments of the Council's City Design Manager in paragraphs 5.5.1 to 5.5.5 of this report. Previous design solutions for this site had suggested a symmetrical pair of buildings to respond to the formality of Guildhall Square with residential on the upper floors of both blocks. A number of factors have led to a different design approach being taken for this application. The site is not a regular size, it tapers from north to south, and the two separate buildings accommodate different functions; the south building contains the visual arts within a smaller building footprint and the north building contains the performing arts within a building which requires a larger area. Furthermore, revisions to the arts complex arrangements and Arts Council funding resulted in an increase in the size of the auditoria. The viability of the project would have been affected had the auditoria been built over to provide residential accommodation. In these circumstances, the design approach of developing the

site asymmetrically in response to the different uses within the building and the tapering nature of the site is supported. The height of the proposed buildings, particularly the south building, is well above the prevailing 3-storey height on this side of Above Bar Street. However, it is considered to be acceptable given the likelihood of redevelopment of these adjoining properties in the medium term. The scale of the new buildings would provide a completely new frontage to Guildhall Square without competing with the Guildhall and Civic Centre Clocktower which would remain the dominant buildings on Guildhall Square and the skyline. The setting of the listed Civic Centre and Guildhall would be enhanced as a result of this development.

- 6.5 One of the design aspirations for this part of Above Bar Street/Park Walk is that the frontage to Park Walk should be treated in a similar way to Above Bar Street and not just have the character of a service road. The preference being that buildings are designed to be dual aspect with active edges extended along Park Walk. The proposal does achieve this to an extent with a commercial unit to the northern building turning the corner from the new link street into Park Walk and with the gallery on the southern building as well as the residential entrance on Park Walk itself. Inevitably, however, a mixed use development of this nature does result in several service access points which can only be provided on the Park Walk frontage.

6.6 Transportation

As a city centre site which is very well served by public transport this is the ideal location for an arts and leisure facility which will attract a significant number of visitors. It is anticipated that the car parking demand generated by the development will be met by using existing car parks. The applicants Transport Assessment has identified approximately 8,800 parking bays within an 800 metre radius of the site (about a 10 minute walk away) the majority of which are available 24 hours a day. A 2010 survey indicated that existing Council car parks had an average spare capacity of 41%. The highest car parking demand for this leisure development would occur in the evening when spare capacity is likely to be far higher. The Council's highways team are satisfied that the level of trips to the site can be accommodated without adverse impact on the city's highway network.

- 6.7 The car parking for the development itself would be provided within the basement of the southern building. 33 parking spaces would be provided for the residential units, 3 of the spaces would be suitable for disabled users and there would be 2 electric charging points. 53 secure cycle parking spaces would be provided in the basement, 32 of these would be for the flats, 11 for staff of the commercial units and 10 for staff of the arts centre. Visitor cycle parking would be provided on Above Bar Street in front of the southern building.

- 6.8 All servicing of the development will take place from Park Walk. Detailed changes will be needed to the on-street car parking layout in Park Walk to allow loading bays to be created. Some 16 pay and display parking bays will need to be removed. The disabled persons parking bay at the northern end of Park Walk will be moved southwards but the number of spaces will be maintained. It is regrettable that larger vehicles serving the development will need to turn in the new link street through the development. However, there is no practical alternative to this as the turning area at the northern end of Park Walk, adjoining

the parks depot is suitable only for turning smaller vehicles. However, it is anticipated that that all large deliveries associated with the arts centre could be pre-booked and controlled through the use of a permit system which would dictate that servicing could only take place at specified times. Furthermore, the detailed design of the link street which could include planters/seating/public art will help identify the area for safe turning and make clear it is not for general vehicular access. The details of this can be reserved by a condition.

6.9 The application involves the stopping up and diversion of a public right of way and the stopping up of an area of public highway on Above Bar Street. Although the route of the previous right of way legally still exists the proposal provides a significant improvement to what previously was a tunnel through the building: a much better pedestrian link would be provided between Guildhall Square and East Park. The area of highway to be 'stopped up' on Above Bar Street is a result of the realignment of the frontage of the southern building. The area of highway to be lost is relatively small and a significant width of pavement would remain.

6.10 Sustainability

The development has been designed to achieve Code for Sustainable Homes Level 3 with an aspiration to achieve Level 4 depending on the viability of connection to the city centre district heating system. The arts complex should achieve a BREEAM 'Very Good' rating. Should further investigations reveal that connection to the district heating system is not viable the alternative would be provision of micro CHP units to provide a communal heating and hot water system. The potential for 350 square metres of solar photo voltaic panels is possible to serve the arts centre on the roof of the auditorium. These sustainability measures are welcomed and can be secured through conditions.

6.11 Regeneration

The proposed development offers significant regeneration benefits to this part of the city centre. It would provide a new and varied arts complex of more than local importance, a major visitor attraction, further public realm enhancements and the potential for up to 300 jobs. Development of this site raises particular issues relating to economic viability. A financial viability appraisal of the development has been submitted and is in the process of being independently assessed. A verbal update on the viability position will be provided at the meeting. Because of the particular circumstances associated with this development, in particular the provision of the arts complex, it is likely that the proposed development will not fund the normal package of Section 106 benefits. The applicant has made it clear that no affordable housing provision will be possible. It is probable that the Section 106 obligations will concentrate on improvements to the adjoining park, the site specific transport works in Park Walk and the public realm improvements.

7. Summary

7.1 The redevelopment of this important site will make a major contribution to the regeneration of this part of the city centre and add significantly to the vitality and viability of the emerging cultural quarter. The new arts complex will provide the main focus for activity within Guildhall Square with a range of complementary uses which are in accordance with local planning policies and design guidance. The design of the development is appropriate for its context and the setting of

adjoining listed buildings and the park will be enhanced. The highways and servicing arrangements are acceptable and the pedestrian environment will be significantly improved as a result of the new link street.

8. Conclusion

- 8.1 It is recommended that planning permission is granted subject to a Section 106 agreement, to be varied as necessary by the Planning and Development Manager following the outcome of the viability assessment, and conditions listed in this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(b), 4(c), 4(d), 4(f), 4(r), 4(w), 6(c), 7(a), 7(e), 7(g), 7(n), 7(v), 9(a), 9(j), 10(a) and 10(b).

RP2 for 27/09/2011 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

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

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

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

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

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

Reason:

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

04. APPROVAL CONDITION – 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.

05. 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.

06. APPROVAL CONDITION - Code for Sustainable Homes Residential Development [Pre-Occupation Condition]

Written documentary evidence demonstrating that the residential 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 assessment and certificate as issued by a legitimate 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).

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

Written documentary evidence demonstrating that the commercial 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 LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

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

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

Reason:

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

09. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site

and allowing for potential risks (as identified in phase 1) to be assessed.

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

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

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

Reason:

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

10. 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.

11. 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.

12. 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.

13. 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.

14. APPROVAL CONDITION - Foul and Surface Water Drainage (Pre-Commencement Condition)

No development shall commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order that the Local Planning Authority may be satisfied that the development would not increase the risk of flooding in the area.

15. APPROVAL CONDITION - Drainage arrangements (Pre-Commencement Condition)

No development shall commence until details of a scheme to intercept grease in the drainage serving the food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for regular emptying and disposal of the grease by a registered contractor to a licensed waste facility. The scheme approved shall be implemented prior to the first operation of the commercial units and retained thereafter.

REASON

To ensure satisfactory drainage provision is made for the development.

16. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. The storage areas shall be retained thereafter.

REASON

To ensure suitable refuse and recycling facilities are provided and in the interests of visual amenity.

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

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these

facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

REASON

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

18. APPROVAL CONDITION - Details of visitor cycle parking (Pre-Occupation Condition)

The development hereby approved shall not be first occupied until visitor cycle facilities have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure satisfactory provision of cycle facilities for visitors to the site.

19. APPROVAL CONDITION - Safety and Security measures (Pre-development condition)

No development shall commence until a scheme of safety and security measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall subsequently be implemented in accordance with the scheme before the development is first occupied unless otherwise approved in writing by the Local Planning Authority.

REASON

In the interests of safety and security and crime prevention.

20. APPROVAL CONDITION - Green roof (Pre-Commencement Condition)

A detailed specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

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

21. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day.

Reason:

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

22. APPROVAL CONDITION - Limit on Class A4 uses (Performance Condition)

No more than two of the commercial units as shown on the approved plans shall be used for Class A4 (drinking establishments) without a further grant of planning permission.

REASON

To ensure a satisfactory mix of uses are provided in accordance with the Council's policies to promote this area as a Cultural Quarter.

23. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

24. APPROVAL CONDITION - Details of lighting (Pre-Commencement Condition)

No development shall commence until details of external lighting to the buildings and external areas of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of ensuring a satisfactory appearance to the development and the safety and security of the area.

25. APPROVAL CONDITION - Residential entrance details (Pre-Commencement Condition)

Notwithstanding what is shown on the approved drawings, no development of the southern building shall commence until the detailed design of the entrance to the residential building has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with this detailed design unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory treatment to this important part of the building.

26. APPROVAL CONDITION - Details of roof top services (Pre-Commencement Condition)

No development shall commence until detailed design of the roof top services, including ventilation measures to the ground floor commercial units, has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important part of the building in this sensitive location.

27. APPROVAL CONDITION - Public realm details (Pre-Occupation Condition)

The development hereby approved shall not be occupied until details of the treatment to the public realm surrounding the buildings has been submitted to and approved in writing by the Local Planning Authority. These details shall include surface treatment, seating and any means of enclosure together with details of measures to control deliveries to the premises. The approved measures shall subsequently be implemented unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed on the new link street between the northern and southern buildings without the prior approval of the Local Planning Authority.

REASON

To ensure satisfactory treatment of this important area of public space.

28. APPROVAL CONDITION - Approved Plans

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

Reason:

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

POLICY CONTEXTCore Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
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	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
HE3	Listed Buildings
HE5	Parks and Gardens of Special Historic Interest
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
CLT14	City Centre Night Time Zones and Hubs
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
REI7	Food and Drink Uses (Classes A3, A4 and A5)
MSA1	City Centre Design
MSA5	Civic Centre and Guildhall Square

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 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 (2011)

PPS4 Economic Development (2010)

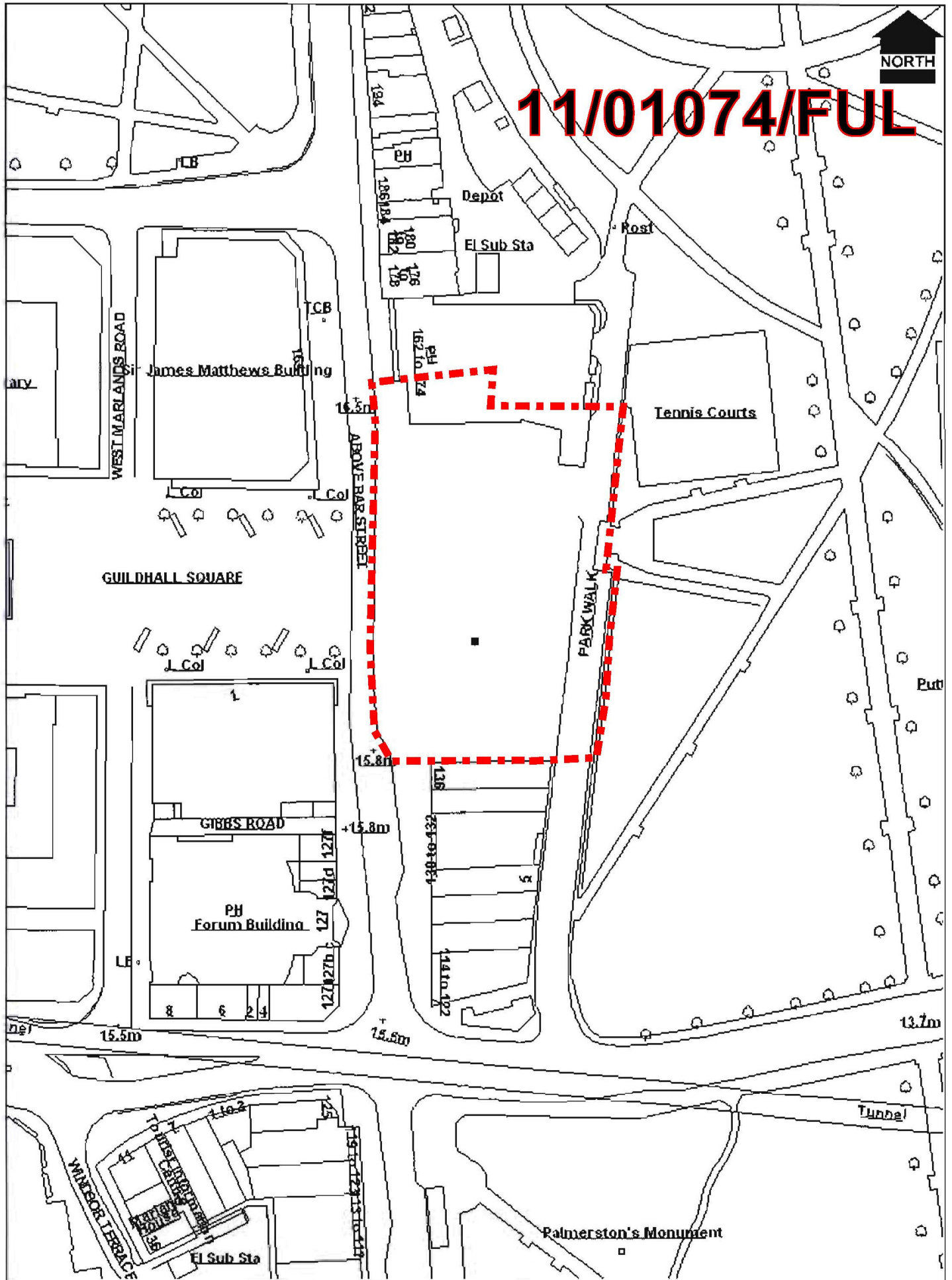
PPS5 Planning for the Historic Environment (2010)

PPG13 Transport (2011)

PPG24 Planning and Noise (1994)



11/01074/FUL



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Date 15 September 2011

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Agenda Item 6

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 27 September 2011
Planning Application Report of the Planning and Development Manager**

Application address: Area Housing Office, Youth Centre and Car Park Site, Parkville Road, Swaythling			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Application number	11/00204/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner
Applicant: Bouygues Development		Agent: Fluid Architecture Ltd FAO: Mr Christopher Pickering	
Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report.		

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site car parking. Following the proposed change to the student-car ownership restriction the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are still considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 6th September 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme. 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, and application 11/00204/FUL should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached	
1.	6 th September 2011 Panel Report (attached as six separate documents)

Recommendation in Full

Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable to the applicant;
- (b) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon Bouygues Development and any other landowner entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:

Note: Changes to that previously agreed by the June Planning Panel are highlighted:

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
- ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
- iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- v) The funding of Traffic Regulation Orders (TRO) required ~~for the above measures~~ to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. **Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;**

- viii) A Student Car Ownership Restriction **Mechanism** as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land **or to obtain parking permits to the Council's Controlled Parking Zones**. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed ~~penalty clause~~ wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and **may** be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning **leading to possible eviction**. This will be ~~enforced by~~ **at the discretion of** the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. ~~followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner.~~ Reception area to have an up-to-date telephone number with information about when and where breaches can be reported ~~to the freeholder~~. **Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;**
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council's Public Art 'Art People Places' Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;

- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) **Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building’s residents and business owners, a minimum of 37 parking spaces, tree protection measures during construction, and enhancements to the area’s appearance including the associated Herbert Collin’s Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,**
- xxi) **Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant’s expense.**

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

1.0 Background

- 1.1 The Planning and Rights of Way Panel deferred this application from its meeting on 6th September 2011 to enable further negotiation to take place regarding the restriction of associated student parking. For completeness a copy of the previous Panel reports and the Minutes from the June Panel are appended to this Panel report at **Appendix 1**.
- 1.2 The following report itself deals only with the negotiations that have taken place regarding the proposed parking.

2.0 Planning Considerations

- 2.1 The previous panel report explained that the proposed development will result in an overspill of cars onto the neighbouring public highway. It is anticipated that some 42 vehicles belonging to student residents would park off-site on any given day. The report (as updated at the meeting) explained that from the survey work undertaken there should be capacity upon the neighbouring streets to accommodate the development and its overspill requirements. The applicant’s survey work suggests that some 59 spaces would be available on any given day to accommodate this overspill. Notwithstanding the existing available capacity to accommodate the development’s needs the applicants have also offered to reconfigure the public parking associated with Market Buildings. This offer would secure some 10 additional spaces for public use.

- 2.2 Since the last Panel meeting officers and the applicant have discussed alternative approaches to meet the parking requirements of the scheme.
- 2.3 The use of a basement car park (as previously agreed with the flatted residential scheme) is financially prohibitive, and would run contrary to the University's policy of encouraging students not to bring cars to University. This is also the reason for not providing surrogate parking to serve the development on other sites (including the existing Stoneham Lane doctor's surgery site).
- 2.4 Instead, officers have explored the option of a review of car parking following the occupation of the development with the creation of additional Controlled Parking Zones (CPZs) on affected streets (including Ethelbert Avenue) if required. Whilst a review could be undertaken, the enforcement of any further CPZs would require an ongoing cost to the development for enforcement of vehicles parking without a permit. This requirement is also financially prohibitive and cannot be borne by the developer or the Council. As such, it is not a viable option.
- 2.5 Finally, with regard to Market Buildings, and the proposals to amend the existing parking arrangements, the applicant has met with some of the affected business owners and residents. It is clear that the needs of each individual business is different, but that some form of parking restriction is needed to prevent all day parking by students whilst allowing customers of the existing businesses to use the spaces for as long as necessary. As the S.106 clause (as set out above) explains a full consultation will be undertaken prior to any changes to the Market Buildings existing parking taking place. Only following this exercise will a workable solution involving, for instance, some form of time restriction on parking between the hours of 8am and 6pm be implemented.

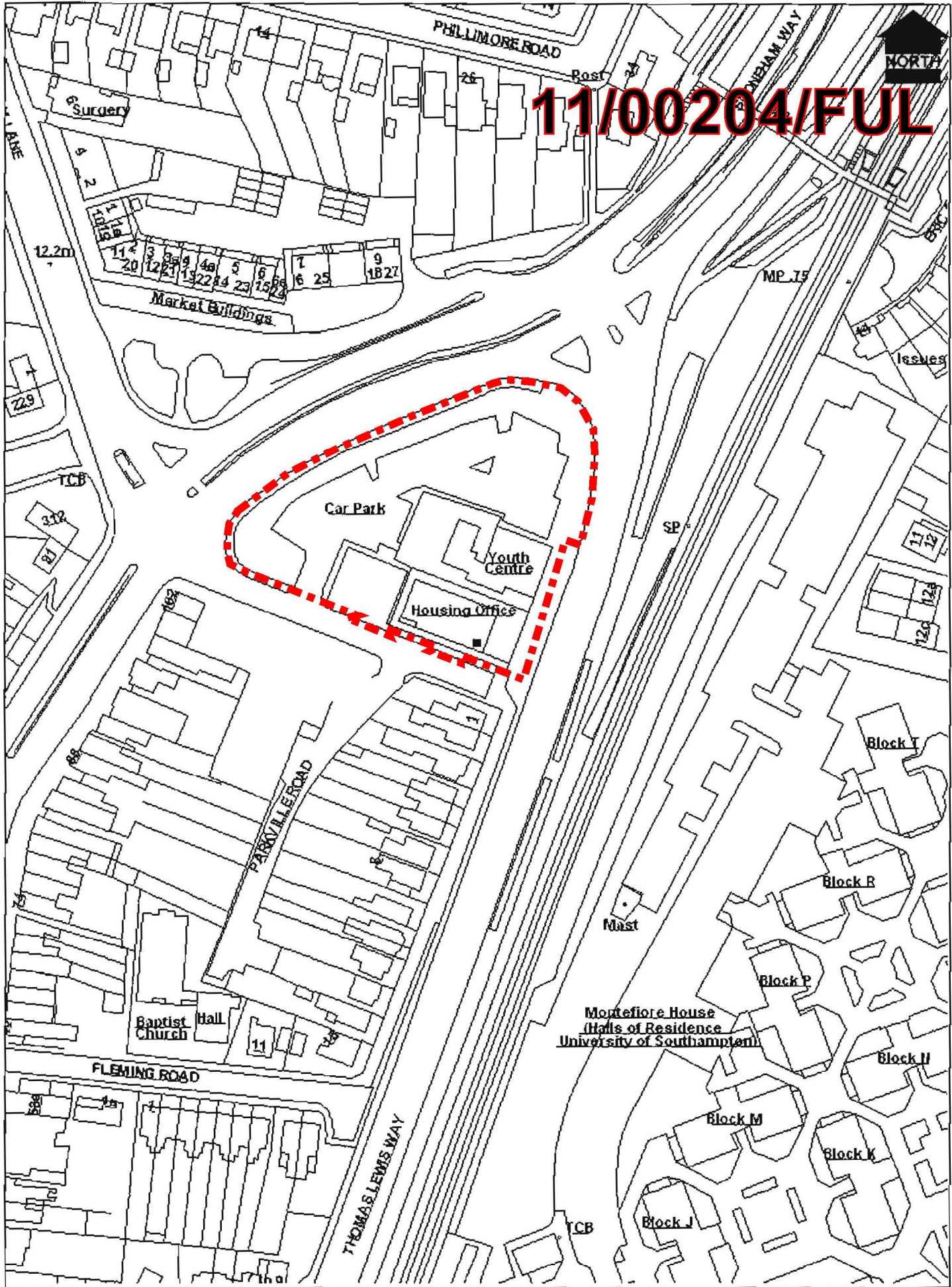
3.0 Conclusions

- 3.1 Following the deferral of this application from the last Panel meeting, officers have sought to address the Panel's reservations regarding parking. Having reviewed alternative options with the applicant it is considered that the previous recommendation holds good without the need for further amendments.
- 3.2 In short, it is considered that any overspill parking from the development will be reduced by the inclusion of a parking restriction clause within the residential lease, the offer of a free UNlink bus pass to occupants, access to on-site cycle parking, and the inconvenience of having to park a car away from the development and out of sight. It is considered that any overspill parking that does occur can be accommodated within the existing public highway network without resulting in highway safety issues or a significant visual impact on the Ethelbert Avenue Conservation Area. As such, the application is acceptable and is recommended for approval subject to the terms as set out in this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b
SH2 for 27/09/11 PROW Panel



11/00204/FUL

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Date 15 September 2011

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Agenda Item 6

Southampton City Planning & Sustainability Appendix 1
Planning and Rights of Way Panel meeting (6th September 2011)
Planning Application Report of the Planning and Development Manager

Application address: Area Housing Office, Parkville Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Application number	11/00204/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner

Applicant: Bouygues Development	Agent: Fluid Architecture Ltd FAO: Mr Christopher Pickering
--	---

Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report.
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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 proposed development has been revised to increase the level of on-site car parking. Following the proposed change to the student-car ownership restriction the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are still considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 6th September 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme. 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, and application 11/00204/FUL should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1/2/3	21 st June 2011/24 th May 2011 Panel Reports & Summary table	4.	21 st June 2011 Panel Minute
5.	Applicant's Counsel Opinion		

Recommendation in Full

Conditional Approval - Subject to:

- (a) Confirmation in writing by the applicant prior to the grant of planning permission that the attached draft Heads of Terms are acceptable to the applicant;
- (b) the receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon Bouygues Development and any other landowner entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:

Note: Changes to that previously agreed by the June Planning Panel are highlighted:

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
- ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
- iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- v) The funding of Traffic Regulation Orders (TRO) required ~~for the above measures~~ to enable the development to be implemented;

- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNIlk bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use. **Details to include additional explanatory signage to be erected in Parkville Road at the applicant's expense;**
- viii) A Student Car Ownership Restriction **Mechanism** as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed ~~penalty clause~~ wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and **may** be evicted if found to have done so. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning **leading to possible eviction**. This will be ~~enforced by~~ **at the discretion of** the University of Southampton and/or any designated operator and/or the landowner upon receipt of valid evidence. ~~followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner.~~ Reception area to have an up-to-date telephone number with information about when and where breaches can be reported ~~to the freeholder~~. **Without prejudice to the above paragraph, the mechanism will be agreed between the University/operator and Southampton City Council prior to first occupation of the building;**
- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council's Public Art 'Art People Places' Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNIlk bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;

- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan;
- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- xviii) Agreement of construction vehicle routing;
- xix) Developer shall be responsible for the cost of checking of drawings and construction;
- xx) Market Buildings Car Parking Improvement Scheme (MBCPIS) – Prior to implementation to have approved in writing by the Council a scheme of works for the MBCPIS - to include consultation with Market Building’s residents and business owners, a minimum of 37 parking spaces, tree protection measures during construction, and enhancements to the area’s appearance including the associated Herbert Collin’s Memorial Garden. The MBCPIS shall be provided prior to the first occupation of the development in accordance with an agreed S.278 and TRO for any additional parking restrictions; and,**
- xxi) Details of additional explanatory signage to be erected in Ethelbert Avenue at the applicant’s expense.**

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

1.0 Background

- 1.1 The Planning & Rights of Way Panel resolved to grant planning permission for this scheme, at its meeting on 21st June 2011, subject to the S.106 Legal Agreement including a clause that would ensure that the freeholder would evict any students found to be parking in Swaythling. A financial penalty clause was also agreed in the event that the freeholder failed to deal with any overspill parking by students.
- 1.2 Since the resolution the applicants have removed their offer of evicting students and have submitted an alternative approach to dealing with the scheme’s parking issues. Planning permission has not, therefore, been issued and, instead a re-consultation exercise has taken place giving those concerned an opportunity to comment on this change to the application.
- 1.3 For completeness a copy of the previous Panel reports and the Minutes from the June Panel are appended to this Panel report. The following report itself deals only

with the change in the proposed parking as all other matters (such as the principle of development, the chosen design and its impact on neighbours amenity) have been found by the Panel to be acceptable.

2.0 Consultation Responses and Notification Representations

- 2.1 Following confirmation from the applicants that they are unable to evict students that bring a car to Swaythling from the development, and the receipt of further Highways Technical Note explaining the student parking demand and provision, a re-consultation exercise has been carried out by the Council. A further 14 days to review and comment on the amended scheme and additional information has been given and, in addition to re-notifying all recorded objectors, letters have also been sent to every address in Phillimore Road, Willis Road, Daffodil Road, Langhorn Road, Ethelbert Avenue and the Market Buildings.
- 2.2 At the time of writing the Council has received a further **13 objections** to the proposals (including objections from Ward Councillors Turner and Vassiliou) raising the following planning related concerns:
- a) The removal of the eviction clause for those students that chose to bring a car to university and park in nearby streets is not acceptable. Local people have been misled. Being able to prevent student car use is fundamental to the validity of the Transport Assessment. The suggested 'discretionary' clause to enforcement is meaningless and has no credibility.
 - b) The developer could make use of the Contracts (Rights of Third Parties) Act as an alternative approach for dealing with the enforcement of the no car agreement. In short, this would offer third parties, such as local residents, the right to enforce a clause within the students tenancy agreements that those occupying the development will not bring a car to Swaythling.
 - c) Competition for on-street spaces will increase resulting in existing residents and surrounding businesses being inconvenienced. This will also adversely affect disabled people, elderly residents and the emergency services.
 - d) The conclusions drawn in Odyssey's revised Technical Note that overspill parking would occur 'within capacity' is not correct. The lack of enforcement will result in a saturation of those areas where parking is currently available, particularly by cars belonging to students. No account is taken to the loss of the existing parking in Parkville Road and the car park upon which the development is to be built. No account is taken on the parking demand from staff of the new development, which would add to the overspill. Parking restrictions would have to be introduced at Market Buildings that would move existing long-stay users to surrounding streets. Some 130 additional off-site parking spaces are required to meet this added demand (including some 77 spaces needed for students bringing cars to Swaythling).
 - e) The applicants should be encouraged to design the scheme with a basement car park instead of relying on the neighbouring streets to take the overspill parking from students.
 - f) The conservation area of Ethelbert Avenue is likely to be targeted by students looking for a convenient parking space. Additional on-street parking in Ethelbert Avenue will significantly harm its attractive character and by allowing it the Council would be in breach of S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- g) A barrier or permit holders scheme is again requested to prevent parking within Parkville Road. Overspill parking is already happening in Parkville Road as a consequence of the Council's closure of the existing car park.
- h) The additional parking spaces at Market Buildings would not be enough to deal with the likely overspill from student parking associated with the development. The existing layout underestimates the amount of existing parking available so as to make the proposed increase more generous than it actually is. In reality no additional parking spaces will be provided. Furthermore, the proposed one-way approach to Market Buildings will create a 'rat-run' to beat the traffic lights to the detriment of highway safety
- i) Existing residents and business operators have expressed concerns about the revised parking layout to the front of their property. An allocation of spaces for these affected third parties is requested so that students do not take all the available parking to the detriment of the existing users
- j) If planning permission were granted on the current basis it would be at high risk of a successful challenge at judicial review on the grounds of illegality and Wednesbury unreasonableness
- k) The scheme still fails to deal adequately with student drop-off and collection.
- l) Clarification is sought that only students will live in the scheme and what will happen should the University decide not to take the space and it is, instead, used for open market housing.
- m) Further updates are sought with regard to the ongoing provision of the youth and boxing clubs.

Consultation Response

2.3 **SCC Highways** - The information supplied by Odyssey is flawed to a degree, but looking at the situation as a whole, I have the following comment:

2.4 The students are still to be discouraged from bringing a car with them to University if they are to reside in this new purpose built development, and will be required to sign an agreement confirming that they agree to this. The difference is that there will be no financial penalty or final agreed power of eviction should a student chose to break the terms of the agreement they sign. This site is an island which does not benefit from any dedicated parking for residents of the development, and the nearest road, the private section of Parkville Road is not available for any parking other than for the houses which back onto it. Any student bringing a car to site would need to park it some distance from their residence, and this would be out of sight, which is not a preferred option for a car owner, as a driver does not feel that their car is safe it is a distance away. Residents of this development will have the benefit of a convenient Uni Link bus service for which they will be given a free bus pass for unlimited travel. There is no available parking on the University Campus when the students attend classes, so their cars would need to be left again, in a remote location. It is also a policy of the University to discourage students from bringing cars to the city, and the use of the very efficient and prestigious Uni Link bus service is actively encouraged, as is cycling and walking, with the provision of

secure cycle cages at the campus, and well lit and direct safe routes for walking and cycling.

- 2.5 The roads surrounding the Swaythling Gateway site are already subject to reasonably high levels of kerb side car parking, and some of these areas are likely to become subject to Controlled Residents Parking Zones in the near future, which could make finding unrestricted long term kerbside parking more difficult and push the student further away to find suitable parking. The result will be that the student who defies the car restriction clause of their agreement is likely to find that there is no convenience in bringing a car with them, because of the parking issue. The applicant is willing to improve the parking around the nearby shopping area of Market Buildings, where a more formalised parking layout could result in increasing the parking provision here. It is recommended that this parking area should be enhanced, and a consultation proposal should be put to the shop keepers to determine the number of limited time spaces which should be provided versus the number of unlimited waiting places are available. This will achieve some long stay formalised parking should there be any demand in the near vicinity which could be of a direct result of a student having a car whilst residing in the Swaythling Gateway Accommodation.
- 2.6 The residents of Ethelburt Avenue are seriously concerned for their own road which is a private unmade street, not maintained at the public expense, and forms a conservation area. Ethelburt Avenue is distanced from the site but is still as much at risk of abuse as any other of the nearby surrounding streets, should this actually occur.
- 2.7 I therefore have the following recommendations:
- 2.8 That the private section of Parkville Road and Ethelburt Avenue shall have suitably designed and worded signing provided and erected in agreed locations to make clear the 'no parking for unauthorised users' message is clear, all details to be agreed with the residents and highway and historic environment departments prior to erection, and those signs to be in place prior to the occupation of the development.
- 2.9 The parking layout and construction in front of Market Buildings including the need for a TRO for parking restrictions shall be agreed with the highway authority, and residents/shop proprietors of Market Buildings shall be consulted on the proportion of restricted parking spaces to be provided. This element of work shall be completed and the parking improvements in place prior to the occupation of the new building.
- 2.10 **SCC Heritage** - The proposals for Market Buildings deal sensitively with the site. Subject to the Highways Team being content that this will deal with the parking issues no further comment is made.

3.0 Planning Consideration Key Issues

- 3.1 Following the June Panel resolution to grant permission the key issue for consideration in the determination of this planning application is parking. In particular, the issue of whether or not a car free scheme as is proposed to serve the 368 student bedrooms.

- 3.2 The June Planning Panel meeting considered the scheme and added a clause to the S.106 Legal Agreement stating that:
- “A Student Car Ownership Restriction as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed penalty clause wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and will be evicted if found to have done so. This will be enforced by the landowner upon receipt of valid evidence. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported to the freeholder.”*
- 3.3 Despite the initial offer of an eviction clause the applicants addressed the Panel meeting to explain that a financial penalty for inaction would render the scheme non-viable. Since the Panel meeting the applicant has sought Counsel opinion to the effect that not only is a financial penalty unreasonable but an eviction clause is unlawful in any event. This is a significant change in circumstance, but forms a material consideration nevertheless. A copy of the Opinion is attached at **Appendix 5**.
- 3.4 The applicants have agreed, however, that some form of wording to the effect that students ‘may’ be evicted if they are found to have brought a car to Swaythling whilst resident at the development is acceptable.
- 3.5 In addition, the applicants have reviewed the existing on-street parking availability around the application site to confirm whether or not there is existing capacity to serve any student parking overspill. Based on a series of assumptions it has previously been suggested that a scheme of this size might yield an additional parking demand for some 42 off-site parking spaces to serve the student accommodation use (based upon no prohibition of student parking). It is further reported that this figure will be further reduced in the event that a threat of eviction is retained.
- 3.6 The applicant’s survey work concludes that accounting for the possible controlled parking that is proposed by the Council for the Flowers Estate, the highway network around the application site (including Stoneham Lane, Willis Road, Phillimore Road, Dafodil Road and Langhorn Road) typically on any given evening would have capacity for some 73 additional vehicles.
- 3.7 This spare capacity is located nearer and, by inference, more conveniently to the site than Ethelbert Avenue and is sufficient to accommodate the likely overspill projected without harming the conservation area.
- 3.8 In addition to the spare capacity identified the applicants also propose to improve the efficiency in layout of the existing Council owner parking to the front of Market Buildings (adjacent to the Herbert Collins’ Memorial Gardens). With careful design,

and a means of construction that does not undermine the significant tree roots that prevail, it is anticipated that a further 10 parking spaces could be delivered to further ease the parking pressures in Swaythling. This additional parking could be secured with the additional S.106 clause recommended above.

- 3.9 In short, whilst less than 42 students are anticipated to own and bring a car to Swaythling whilst residing at the development, there is currently capacity for some 83 additional vehicles (ie. 73 spare on-street plus 10 proposed at Market Buildings) off-site in locations more convenient to users than Ethelbert Avenue from where a significant level of public objection to the scheme has arisen.

Summary

- 3.10 The Council has been asked to consider its opinion regarding the applicant's suggested eviction clause. Whilst the clause, as originally drafted, has been found to be unlawful the Council has to decide whether or not the scheme proposes sufficient parking so as not to result in highway safety concerns to surrounding streets.
- 3.11 The applicant's further revised application indicates that there is sufficient capacity within nearby streets to accommodate the anticipated parking overspill that will occur from the development from student car owners. Furthermore, additional parking capacity will be created at Market Buildings through the S.106 legal agreement to ease likely parking demands.
- 3.12 The level of any parking overspill is, they submit, unlikely to be significant given the wording of the clause suggested, the inconvenience and safety concerns of parking off-site and the provision by the University of free bus travel to all residents. Based on the assumptions made officers are minded to agree that any overspill can be accommodated without causing harm and the significant regeneration benefits and provision of specialist form of housing should be afforded due weight in the Council's final decision.

4.0 CONCLUSION

- 4.1 The application is recommended for conditional approval following confirmation from the Council's Head of Property & Procurement Services that the contract for the sale of Council owned land will be conditional upon Bouygues Development entering into a S.106 legal agreement with the Council prior to the land transfer to provide the package of measures listed above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b

SH2 for 06/09/11 PROW Panel

PLANNING CONDITIONS

(as agreed and amended by Panel on 21st June 2011) to include:

01. APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. Development shall be implemented only in accordance with the agreed details.

REASON:

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

04. APPROVAL CONDITION - Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. No building works or ancillary structures including television aerials, satellite antennas and telecommunication equipment shall exceed a maximum building height of 54.33 metres AOD. Obstacle lights shall be placed on the top of the building. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk/srg/aerodrome). The obstacle light(s) must be sited so as not to infringe the Obstacle Limitation Surface at 54.330m AOD.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is demonstrated and to prevent any undue conflict with the flight paths of Southampton Airport – BAA's response dated 8th March 2011 refers.

05. APPROVAL CONDITION - Security Measures

No development shall commence (excluding the demolition and site preparation phase) until a Security Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements;

- iii. surface car park area including all means of enclosure and lighting;
 - iv. door types of the storage areas;
 - v. outer communal doorsets and the pod access doorsets;
 - vi. ground floor windows; and
 - vii. audio/visual control through the communal access doors.
- Development shall be completed and retained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

06. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls or roller shutters) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit to which the information relates.

REASON:

In the interests of retaining a lively and attractive streetscene.

07. APPROVAL CONDITION - Amenity Space Access

The communal roof terrace and first floor lounge area shown on the approved plans, and pedestrian access to them, shall be made available for all residents prior to the first occupation of the student pods and flats hereby permitted unless otherwise agreed in writing with the Local Planning Authority. The roof terraces shall be retained with access to them by all residents and their visitors at those times agreed in writing with the Local Planning Authority prior to the first occupation of the student accommodation.

REASON:

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

08. APPROVAL CONDITION - Servicing

Notwithstanding the details submitted with the application prior to the occupation of each of the non-residential units hereby approved full details of how service vehicle deliveries to the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the approved details conformed to thereafter.

REASON:

In the interests of the safety and convenience of all highway users.

09. APPROVAL CONDITION - Hours of Use – Non Residential Uses

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays as supported by a Security Management Plan (As required by the condition above)
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week including Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

10. APPROVAL CONDITION - Hours of Delivery – Non Residential Uses

No deliveries shall be taken at or despatched from the site outside the hours hereby set out:

- 6am and 7pm (7 days a week including Sundays and recognised public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only.
- Any deliveries by articulated vehicles shall be in accordance with the above hours with such deliveries to take place no earlier than 7am (Monday to Friday) and 8am on weekends and recognised public holidays as supported by a Deliveries Management Plan that shall have been agreed in writing with the Local Planning Authority prior to the occupation of the commercial unit to which it relates.

REASON:

In the interests of existing and proposed residential amenity

11. APPROVAL CONDITION - Noise Mitigation & Attenuation

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's Noise Assessment dated 28th January 2011. Any mechanical acoustic ventilation for noise issues from Thomas Lewis Way shall be ventilated from the roof. Notwithstanding these approved details, unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way

42dB(A) for bedrooms overlooking Stoneham Way

37dB(A) for living rooms overlooking Thomas Lewis Way

43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

12. APPROVAL CONDITION - Disabled Access

Lifts shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

13. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

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

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

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

- 8am to 9am and 4:30pm to 5:30pm Mondays to Fridays

REASON:

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

14. APPROVAL CONDITION - Demolition and Construction Method Statement

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

15. APPROVAL CONDITION - Demolition - Removal of Debris

The existing building and/or structure shall be demolished (in accordance with the plans hereby approved) and all resultant materials removed from the site and disposed of at an appropriate authorised tip within 2 months of the commencement of the demolition works relating to that structure and before the redevelopment hereby approved is commenced unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure a satisfactory and comprehensive form of development and to safeguard the visual amenity of the locality.

16. APPROVAL CONDITION - Piling Method

A method statement shall be submitted to and approved in writing by the Local Planning Authority before the development commences (excluding the demolition and site preparation phase) to demonstrate how any pile driving operation will take place as part of the development. Any pile driving operations as approved shall be carried out in

accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method.

REASON:

To ensure that appropriate measures are incorporated into the construction activities to mitigate any noise problems generated by pile driving operations.

17. APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application (and detailed on the Terrafirma plan 1070-101H) no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping for both the roof terraces, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19th April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. 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;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its 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.

18. APPROVAL CONDITION – Arboricultural Method Statement

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees (including those along Thomas Lewis Way that are to be retained) 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.

19. APPROVAL CONDITION - Sustainable Drainage System

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA dated February 2011.

20. APPROVAL CONDITION - Sewers

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

REASON:

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

21. APPROVAL CONDITION - Flood Risk

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the development shall be implemented in accordance with the Flood Risk Assessment (FRA) and Drainage Strategy (Odyssey February 2011) prior to the first occupation of the development.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure increased surface water flow does not create flooding to people / property nearby.

22. APPROVAL CONDITION – Sustainable measures

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 LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

REASON:

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

23. APPROVAL CONDITION - Energy (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, or other means of improving energy efficiency that will achieve a reduction in CO₂ emissions of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO₂ emissions of the development of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. 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).

24. APPROVAL CONDITION - Parking Provision

The 32 car parking spaces shown on the approved amended drawings listed below shall be provided and made ready for use prior to the first occupation of the development unless an alternative phased provision is agreed in writing with the Local Planning Authority. Notwithstanding the Odyssey Car Parking Management Plan (CPMP) the parking spaces shall be retained thereafter in accordance with a revised CPMP that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. Details shall include, for example, parking allocations between uses (including staff/permit allocations), means of security, pricing (if appropriate), enforcement and hours of use (where appropriate).

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users and to ensure the distribution of spaces between units in order to meet the Council's adopted parking requirements.

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

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and presented only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

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

26. APPROVAL CONDITION - Litter Bins

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

REASON:

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

27. APPROVAL CONDITION - Cycle Storage

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for all uses included within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

28. APPROVAL CONDITION - Contamination – Desk Top Study

Notwithstanding the information already submitted no development shall take place until the developer has carried out adequate assessments to determine the likely presence of contamination on the site (desk study) and assessed the potential risks to human health and the wider environment. If any significant hazards are identified a scheme of further investigation will be required in order to assess the risk(s). If significant risk(s) are identified a detailed remediation scheme must be devised and implemented to ensure the long-term safety of the site.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation

works and, prior to occupation of the properties on the development, the developer and/or his approved agent shall submit written confirmation that works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented prior to occupation in accordance with details to be agreed.

REASON:

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard in accordance with the guidance given in Model Procedures for the Management of Land Contamination - Contaminated Land Report 11 - Environment Agency - 2001.

29. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

30. APPROVAL CONDITION - Ecology

The ecology enhancements, as set out within the applicant's Ecological Assessment (dated February 2011), and updated by the emails from Dan Simpson from Aspect Ecology dated 9th and 17th February, shall be implemented in full prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity and the wider ecology of the area.

31. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8th March 2011 refer.

32. APPROVAL CONDITION – Archaeological investigation

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.

33. APPROVAL CONDITION – Archaeological work programme

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

REASON:

To ensure that the archaeological investigation is completed.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Oversailing Public Highway

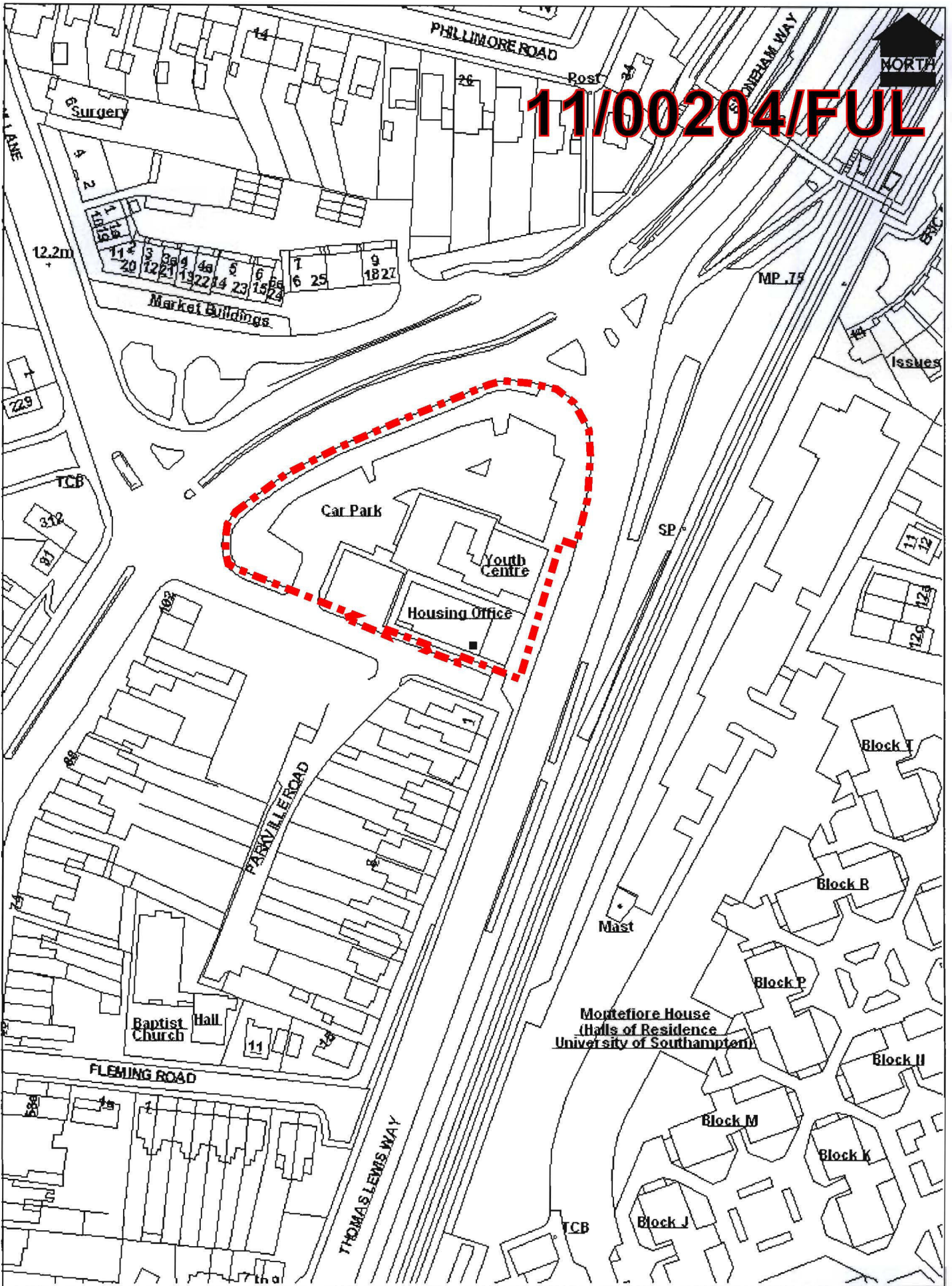
The applicant is reminded to contact the Highways Authority in the event that a license is required to oversail the public highway

Note to Applicant - Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

Note to Applicant – Nesting Birds

The applicant is reminded of their legal duty not to disturb any birds found nesting on site.



11/00204/FUL

Scale : 1:1250

Date : 24 August 2011

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LIST OF APPENDICES

11/00204/FUL – Appendix 1/2/3

Report to the Planning & Rights of Way Panel (21.06.2011)

<http://www.southampton.gov.uk/modernGov/mgConvert2PDF.aspx?ID=5857>

<http://www.southampton.gov.uk/modernGov/mgConvert2PDF.aspx?ID=5890>

<http://www.southampton.gov.uk/modernGov/mgConvert2PDF.aspx?ID=5864>

11/00204/FUL – Appendix 4

Minutes from the Planning & Rights of Way Panel (21.06.2011)

<http://www.southampton.gov.uk/modernGov/mgConvert2PDF.aspx?ID=6174>

11/00204/FUL – Appendix 5

Applicant's Counsel Opinion regarding the student car-ownership restriction



1. Advice on s 106
southampton gatewa

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Agenda Item 4

Southampton City Planning & Sustainability Planning and Rights of Way Panel meeting 21st June 2011 Appendix 2 Planning Application Report of the Planning and Development Manager

Application address: Area Housing Office, Parkville Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Application number	11/00204/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner
Applicant: Bouygues Development		Agent: Fluid Architecture Ltd FAO: Mr Christopher Pickering	
Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission subject to the criteria listed in this report.		

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site car parking and restrictions on student car ownership are deemed possible. In light of these changes the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 21st June 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme. 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, and application 11/00204/FUL should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	24 th May 2011 Panel Report	2.	Comparison Table (Updated)

Recommendation in Full

Conditional Approval - Subject to receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon Bouygues Development and any other landowner entering into a S.106 legal agreement with the Council as part of the land transfer to provide the following planning obligations:

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
- ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
- iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- v) The funding of Traffic Regulation Orders (TRO) required for the above measures to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNlink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use;
- viii) A Student Car Ownership Restriction as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed penalty clause wording to the effect that they shall not bring a car to Southampton whilst living at City Gateway and will be evicted if found to have done so. This will be enforced by the landowner upon receipt of valid

evidence. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner.

- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council’s Public Art ‘Art People Places’ Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNlink bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan; and,
- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

1.0 Background

- 1.1 The Planning & Rights of Way Panel agreed to defer this application from its meeting in May 2011 to allow officers an opportunity to consider the

applicant's revised submission and Transport Assessment. The additional information was submitted to address the previous recommendation of refusal. A further public consultation exercise has also been undertaken.

- 1.2 In light of the revised details it is now considered that the increased level of parking proposed is sufficient to meet the needs of the development without causing harm to highway safety, or the visual amenities of nearby streets caused by any potential overspill parking. The previous concerns have, therefore, been addressed for the reasons set out in this report.
- 1.3 The previous Panel report is attached at **Appendix 1** and should be read in conjunction with this report. It includes details of the previous highway objection to the scheme as submitted.
- 1.4 This report seeks to explain how the revised Transport Assessment and parking layout have addressed the reasons for refusal recommended previously. A comparison summary of the scheme (as submitted and amended) is attached at **Appendix 2**.

2.0 Consultation Responses and Notification Representations

- 2.1 Since the May Panel report was published the Council has received 19 additional representations comprising:
 - A highway/parking objection to the proposals from new Ward Cllr Vassiliou;
 - Confirmation from Ward Cllr Turner that her objection remains;
 - 2 further neighbour objection letters seeking a student car ownership restriction clause in the event that permission is granted;
 - A letter from the Inner City Boxing Club removing their objection to the application providing their facility is re-provided for (in line with Bouygues offer dated 5th May);
 - A further petition with 322 signatures in support of the project with 14 further neighbour letters of support.
- 2.2 Following the receipt of the applicant's revised site layout and associated Transport Assessment those interested parties that have made a formal written representation to the original submission have been re-notified. A closing date for comment of Friday 17th June has been given and a verbal update of any further responses will be given at the Panel meeting.
- 2.3 **SCC Highways** – Objection removed. It would appear that the applicants have gone a long way to overcome the original highways objections raised, and I am prepared to remove my objection on highway grounds.
- 2.4 The levels of car parking shown are more in line with anticipated traffic generation to this site with the level of development proposed, as long as students are precluded from bringing cars to their university accommodation.
- 2.5 Previous consents have included similar levels of car parking provision to that now proposed. The applicants have however shown 8 parking spaces to be dedicated to medical staff which creates some concern. However, if a

condition is imposed to require that these spaces are for medical staff only during surgery hours and are available to unrestricted use outside of those times I would be prepared to accept this proposal. The doctors surgery have requested that 13 staff members in total are provided with permits allowing them to park on site, and this is to include the 8 spaces dedicated for their use, not an addition. A car park management plan will be required to provide detail of how the car park will operate and be policed.

2.6 The students are to be restricted on the matter of bringing cars to their accommodation. It is of concern to residents in surrounding areas that if students were not to be restricted on this matter, up to 42 students may bring cars with them to this accommodation. A robust agreement must be put into place which has powers to evict students who do not comply with the no car aspect, and there must be measures in place to ensure that this can be checked and policed.

2.7 Issues to be covered:

- i. notwithstanding any documentation submitted with this planning consent, a car park management plan shall be submitted and approved prior to occupation by the LPA.
- ii. notwithstanding any documentation submitted with this planning consent, details of the student car restriction policy shall be agreed prior to occupation by the LPA.
- iii. all works to the public highway shall be undertaken either via a 278 agreement, S37/38 agreement, 171 Licensing, or be funded whereby SCC can carry out the works on behalf of the developer. All works are to be agreed prior to commencement of construction on site. Details of the lay-by and works to the Parkville Road modifications are to be agreed to ensure that their detail is of sufficient quality to achieve the desired outcomes.
- iv. stopping up procedures are to be complete prior to commencement of development on site.
- v. a plans showing construction vehicle routing, timing of deliveries and a site workers parking strategy to be submitted and approved prior to commencement of the development.
- vi. all previous highway conditions to be transferred to this application.
- vii. the developer shall be responsible for the cost of checking of drawings and construction where this may fall outside any other legal agreement entered into.

2.8 **SCC Heritage** – Objection removed providing there is an appropriate control mechanism in place to prevent overspill parking.

2.9 **SCC City Design** - The proposal offers a well designed development on a challenging site that should enhance the local character, regenerate the local community and provide a distinctive new gateway to the city. This is a very large development on a relatively constrained triangular site on the edge of the Swaythling/Portswood suburb. The site was identified in the Gateways and Approaches Initiative 2006 as lacking distinction as a turning point for navigating the approach to the city from the M27. The principle of a tall building was established under the previous approved application. This distinctive proposal would create a sense of arrival at this key gateway to the city and strengthen a sense of place for the local community. The scale of the development is of a 'city scale' which is appropriate in relationship to

the approach from the north along Thomas Lewis Way as the setting is dominated by the dual carriageway and tree lined edge to the railway to the east. Looking north along Thomas Lewis Way the development quickly increases in height providing a stark contrast between the domestic scale of dwellings on Parkville Road but one appropriate to the urban context and relatively large scale of Thomas Lewis Way.

2.10 It is unfortunate that the courtyard amenity space has been reduced to increase the parking provision. This will put more emphasis on the need for really high quality landscape scheme including hard landscaping materials, the design of the 'art' fence and soft landscaping species and features.

2.11 In conclusion, the scheme has evolved to a sophisticated design using panelling system of cladding to both the tower and the outward facing elevations of the two accommodation wings. The proposed Trespa Meteon panelling product will be fitted to give the elevations a varied colour rendering resulting from the reflective qualities of the product. This will add interest to the scheme, and reduce the visual mass of the tower and the wings, creating a distinctive gateway feature. The use of the grey brick to the base of the development and the wood effect panelling to upper storey of both the tower and wings again helps to reduce the mass and gives the scheme a distinctive 'top, middle and bottom'. The wood effect panelling visually lightens the upper storey whilst adding a softer looking material to the elevations that introduces a more human scale with its richer textures. The use of render on the rotund close to the existing Stoneham Way development helps to tie the scheme into the existing context.

3.0 Planning Consideration Key Issues

3.1 The key issues for consideration in the determination of this planning application are (as previously reported):

- i. The principle of mixed-use & the replacement of community facilities;
- ii. The principle of a tall building development in this location;
- iii. The design approach & its impact on the established character;
- iv. The level of on-site parking and servicing, and its impact on highway safety; and,
- v. The impact on existing and proposed residential amenity;
- vi. Impact on Local Trees;
- vii. The requirement for a S.106 Agreement and the provision of affordable housing.

3.2 This report provides an update to the level of on-site parking and its impact on highway safety, and explains why the scheme has now addressed the previous recommendation of refusal. All other matters remain as previously reported (**Appendix 1** refers).

Highways and Parking

3.3 As reported to the May Planning Panel this application was recommended for refusal on highway grounds. The previously recommended reason for refusal stated that:

1. REFUSAL REASON – Parking & Highway Safety

In the absence of a robust Transport Assessment the proposed level of parking located within the red line, and along Parkville Road, is considered to represent a shortfall to that required to serve the proposed mixed-use development. This deficiency is symptomatic of an over-intensive use of the site and, in the opinion of the Local Planning Authority, will result in additional pressures on existing off-site parking spaces and will result in inconvenient parking taking place within Parkville Road, the proposed service layby and neighbouring streets (including those forming the Ethelbert Avenue Conservation Area) to the detriment of highway safety, visual amenity and the convenience of Parkville Road residents as users of the site attempt/wait to park. The application has, therefore, been assessed as contrary to 'saved' policies SDP1(i), SDP5 (as supported by Appendix 1), SDP7(v), H13(iv) and HE1 of the adopted City of Southampton Local Plan Review (2006), policies CS14, CS18 and CS19 of the adopted LDF Core Strategy (2010) and the relevant guidance contained within the Government's PPG13 (2011).

3.4 In response:

i) Parking

3.5 The scheme as originally submitted was served by 24 parking spaces that rose to 36 spaces through the application process. Officer's raised concerns that of the 36 spaces shown only 11 spaces would be made available for users of the medical centre, which itself has 8 consulting rooms. In addition only 7 spaces were identified for the retail and community uses, and the existing local centre. This lack of public parking compounded the limited number of spaces proposed and this raised a highways objection and recommendation of refusal.

3.6 Following the deferred recommendation to refuse the applicant has appointed new transport consultants and revised the scheme. The parking layout has been redesigned to include a total of 44 parking spaces. The additional 8 parking spaces (ie. 44 proposed less 36) are located partly within an extended car park into the internal courtyard, partly by reallocating between uses, and partly by redesigning the Parkville Road layout. In real terms, the number of public spaces has been increased from 18 (as outlined above and previously considered too few) to 36 as now proposed. In short:

- Of the 13 medical staff spaces only 8 will be marked and enforced as such. This frees up 5 spaces for public use and makes better use of the available space. A further 5 permits will be allocated for medical staff use, but these spaces will form part of the overall provision;
- 3 spaces for University servicing have been reallocated to public use, with servicing taking place on an informal basis from behind the controlled gate into the courtyard space;
- The dedicated car club space has been deleted following dialogue with the possible providers confirming that this is not be a viable location;

- The dedication of highway land for parking to serve 1 Parkville Road has been removed; and,
 - 3 additional parking spaces have been accommodated onto Parkville Road (from 9 to 12 in total).
- 3.7 The increased numbers, revised layout and reallocation (as supported by the new Transport Statement) address officers' concerns and the suggested reason for refusal.
- 3.8 The applicant's revised Transport Assessment explains that the current maximum parking standard for this form of development is 49 spaces. This represents the maximum number of spaces that our current development plan would allow for this proposal. The proposal is therefore 5 short of this maximum standard. However, PPG13 states that Council's should "not require developers to provide more (parking) spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls" (Paragraph 50 refers). It is considered that the parking layout will serve the proposed development without harming highway safety and the competition for spaces will be reduced. It should also be noted that the earlier permission 08/01489/FUL was supported by 25 public parking spaces. A summary comparison table of the permitted scheme with the current proposals is provided at **Appendix 2** to this report. The current application represents an increase in provision when compared to the extant position.
- 3.9 There is no objection to the proposed level of parking as revised.

ii) Student Car Ownership

- 3.10 It was reported to the May Panel that "during the consideration of the application it has become evident that neither the University nor the City Council could reasonably restrict any student from bringing a car to University and parking on nearby roads". This is still broadly the case, however, whilst the University maintain that they could not enforce car ownership it is evident that the freeholder still could.
- 3.11 Therefore, in addition to the package of measures to encourage non-car use when studying in Southampton (such as the free bus pass, the re-routing of the UNlink service to stop at the site, access to secure cycle storage and the site's relatively accessible location to the University and the rail network), and the inconvenience of having to park off-site, the freeholder would accept a clause requiring them to enforce against any student occupier found to have access to a car whilst in residence. A S.106 legal agreement could be used to ensure that the freeholder acts upon any reliable evidence provided and terminates the tenancy of any guilty party. The principle of this form of agreement has been agreed with Legal Services, and addresses the further concern raised previously regarding the impact of overspill parking on surrounding streets, including those unmade roads forming the Ethelbert Avenue Conservation Area.

S.106 Mitigation and Viability

- 3.12 The second reason for refusal centred around the need for the development to mitigate against its direct impacts through the S.106 legal agreement process.
- 3.13 The applicants have agreed to enter into a S.106 legal agreement with the Council (at the land transfer stage). The application is, however, supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery and the wider regeneration benefits. The applicant's submitted appraisal has been independently tested. It is recommended by officers that the Council should accept that a full contribution currently makes the scheme non-viable and that the required Strategic Transport contribution can be reduced to reflect this.

Summary

- 3.14 The proposed development has been revised to increase the level of on-site car parking and restrictions on student car ownership are deemed possible. In light of these changes the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme.

4.0 CONCLUSION

- 4.1 The application is recommended for conditional approval following confirmation from the Council's Head of Property & Procurement Services that the contract for the sale of Council owned land will be conditional upon Bouygues Development entering into a S.106 legal agreement with the Council as part of the land transfer to provide the package of measures listed above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b

SH2 for 21/06/11 PROW Panel

PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, window reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include a commitment to using an anti-graffiti finish (where feasible) to the ground floor level. Development shall be implemented only in accordance with the agreed details.

REASON:

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

04. APPROVAL CONDITION - Building Heights

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. No building works or ancillary structures including television aerials, satellite antennas and telecommunication equipment shall exceed a maximum building height of 54.33 metres AOD. Obstacle lights shall be placed on the top of the building. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at www.caa.co.uk/srg/aerodrome). The obstacle light(s) must be sited so as not to infringe the Obstacle Limitation Surface at 54.330m AOD.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is demonstrated and to prevent any undue conflict with the flight paths of Southampton Airport – BAA's response dated 8th March 2011 refers.

05. APPROVAL CONDITION - Security Measures

No development shall commence (excluding the demolition and site preparation phase) until a Security Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. semi-private ground floor courtyard access and management arrangements;

- iii. surface car park area including all means of enclosure and lighting;
 - iv. door types of the storage areas;
 - v. outer communal doorsets and the pod access doorsets;
 - vi. ground floor windows; and
 - vii. audio/visual control through the communal access doors.
- Development shall be completed and retained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

06. APPROVAL CONDITION - Active frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls or roller shutters) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of each unit to which the information relates.

REASON:

In the interests of retaining a lively and attractive streetscene.

07. APPROVAL CONDITION - Amenity Space Access

The communal roof terrace and first floor lounge area shown on the approved plans, and pedestrian access to them, shall be made available for all residents prior to the first occupation of the student pods and flats hereby permitted unless otherwise agreed in writing with the Local Planning Authority. The roof terraces shall be retained with access to them by all residents and their visitors at those times agreed in writing with the Local Planning Authority prior to the first occupation of the student accommodation.

REASON:

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

08. APPROVAL CONDITION - Servicing

Notwithstanding the details submitted with the application prior to the occupation of each of the non-residential units hereby approved full details of how service vehicle deliveries to the site will be managed shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details unless otherwise agreed in writing by the local planning authority and the approved details conformed to thereafter.

REASON:

In the interests of the safety and convenience of all highway users.

09. APPROVAL CONDITION - Hours of Use – Non Residential Uses

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

- 6:30am and 10:30pm (Monday to Saturday) and 7am and 10pm Sundays, Bank and/or Public Holidays as supported by a Security Management Plan (As required by the condition above)
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week including Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

10. APPROVAL CONDITION - Hours of Delivery – Non Residential Uses

No deliveries shall be taken at or despatched from the site outside the hours hereby set out:

- 6am and 7pm (7 days a week including Sundays and recognised public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only.
- Any deliveries by articulated vehicles shall be in accordance with the above hours with such deliveries to take place no earlier than 7am (Monday to Friday) and 8am on weekends and recognised public holidays as supported by a Deliveries Management Plan that shall have been agreed in writing with the Local Planning Authority prior to the occupation of the commercial unit to which it relates.

REASON:

In the interests of existing and proposed residential amenity

11. APPROVAL CONDITION - Noise Mitigation & Attenuation

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant's Noise Assessment dated 28th January 2011. Any mechanical acoustic ventilation from noise issues from Thomas Lewis Way shall be ventilated from the roof.

Notwithstanding these approved details, unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

- 32dB(A) for living rooms overlooking Stoneham Way
- 42dB(A) for bedrooms overlooking Stoneham Way
- 32dB(A) for living rooms overlooking Thomas Lewis Way
- 43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

12. APPROVAL CONDITION - Disabled Access

Lifts shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

13. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

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

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

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

- 8am to 9am and 4:30pm to 5:30pm Mondays to Fridays

REASON:

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

14. APPROVAL CONDITION - Demolition and Construction Method Statement

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS shall include details of: (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials, including cement mixing and washings, used in constructing the development; (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of construction; (f) details of construction vehicles wheel cleaning; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON:

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

15. APPROVAL CONDITION - Demolition - Removal of Debris

The existing building and/or structure shall be demolished (in accordance with the plans hereby approved) and all resultant materials removed from the site and disposed of at an appropriate authorised tip within 2 months of the

commencement of the demolition works relating to that structure and before the redevelopment hereby approved is commenced unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To secure a satisfactory and comprehensive form of development and to safeguard the visual amenity of the locality.

16. APPROVAL CONDITION - Piling Method

A method statement shall be submitted to and approved in writing by the Local Planning Authority before the development commences (excluding the demolition and site preparation phase) to demonstrate how any pile driving operation will take place as part of the development. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method.

REASON:

To ensure that appropriate measures are incorporated into the construction activities to mitigate any noise problems generated by pile driving operations.

17. APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application (and detailed on the Terrafirma plan 1070-101H) no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping for both the roof terraces, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19th April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. 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;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development

is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of three years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its 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.

18. APPROVAL CONDITION – Arboricultural Method Statement

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees (including those along Thomas Lewis Way that are to be retained) 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.

19. APPROVAL CONDITION - Sustainable Drainage System

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a

specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20 and in accordance with the applicant's FRA dated February 2011.

20. APPROVAL CONDITION - Sewers

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

REASON:

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

21. APPROVAL CONDITION - Flood Risk

Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development the development shall be implemented in accordance with the Flood Risk Assessment (FRA) and Drainage Strategy (Odyssey February 2011) prior to the first occupation of the development.

REASON:

To ensure that a site can be developed safely the FRA is proposing mitigation measures that ensure increased surface water flow does not create flooding to people / property nearby.

22. APPROVAL CONDITION – Sustainable measures

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 LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

REASON:

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

23. APPROVAL CONDITION - Energy (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, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions

of the development of 15% for the residential and 12.5% for non-residential uses over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. 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).

24. APPROVAL CONDITION - Parking Provision

The 32 car parking spaces shown on the approved amended drawings listed below shall be provided and made ready for use prior to the first occupation of the development unless an alternative phased provision is agreed in writing with the Local Planning Authority. Notwithstanding the Odyssey Car Parking Management Plan (CPMP) the parking spaces shall be retained thereafter in accordance with a revised CPMP that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. Details shall include, for example, parking allocations between uses (including staff/permit allocations), means of security, pricing (if appropriate), enforcement and hours of use (where appropriate).

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users and to ensure the distribution of spaces between units in order to meet the Council's adopted parking requirements.

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

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. All storage shall be located and retained inside the building and presented only on the day of collection. The facilities shall include accommodation for the separation of waste to enable recycling by residents. The approved refuse and recycling storage shall be retained whilst the building is used for residential purposes.

REASON:

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

26. APPROVAL CONDITION - Litter Bins

Provision shall be made on-site for the installation and subsequent emptying of litter bins and such provision shall be approved in writing by the Local Planning Authority before the first occupation of the development hereby permitted. The agreed scheme shall be retained and managed during the lifetime of the development.

REASON:

To ensure that adequate facilities are provided for the collection and disposal of litter likely to be generated by this mixed-use development.

27. APPROVAL CONDITION - Cycle Storage

Notwithstanding the information already submitted no development shall be occupied until details of the secure, covered cycle storage for all uses included within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be made available prior to the occupation of the development in accordance with the approved details. The cycle storage shall be retained whilst the building is occupied for the approved use.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

28. APPROVAL CONDITION - Contamination – Desk Top Study

Notwithstanding the information already submitted no development shall take place until the developer has carried out adequate assessments to determine the likely presence of contamination on the site (desk study) and assessed the potential risks to human health and the wider environment. If any significant hazards are identified a scheme of further investigation will be required in order to assess the risk(s). If significant risk(s) are identified a detailed remediation scheme must be devised and implemented to ensure the long-term safety of the site.

Documented evidence of the above procedures shall be submitted to the Local Planning Authority for their written approval at each stage. Any remediation scheme required and approved shall be fully implemented and adhered to. Any amendments to the remediation scheme relevant to the risk associated with the contamination shall be submitted to the Local Planning Authority for prior approval in writing. On completion of the remediation works and, prior to occupation of the properties on the development, the developer and/or his approved agent shall submit written confirmation that works have been completed in full and in accordance with the approved scheme.

The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and an investigation and management scheme implemented prior to occupation in accordance with details to be agreed.

REASON:

To identify unacceptable risks to human health and the environment and ensure investigation, assessment and remediation of the site is to an appropriate standard in accordance with the guidance given in Model Procedures for the Management of Land Contamination - Contaminated Land Report 11 - Environment Agency - 2001.

29. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

30. APPROVAL CONDITION - Ecology

The ecology enhancements, as set out within the applicant's Ecological Assessment (dated February 2011), and updated by the emails from Dan Simpson from Aspect Ecology dated 9th and 17th February, shall be implemented in full prior to the first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of biodiversity and the wider ecology of the area.

31. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8th March 2011 refer.

32. APPROVAL CONDITION – Archaeological investigation

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.

33. APPROVAL CONDITION – Archaeological work programme

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

REASON:

To ensure that the archaeological investigation is completed.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Oversailing Public Highway

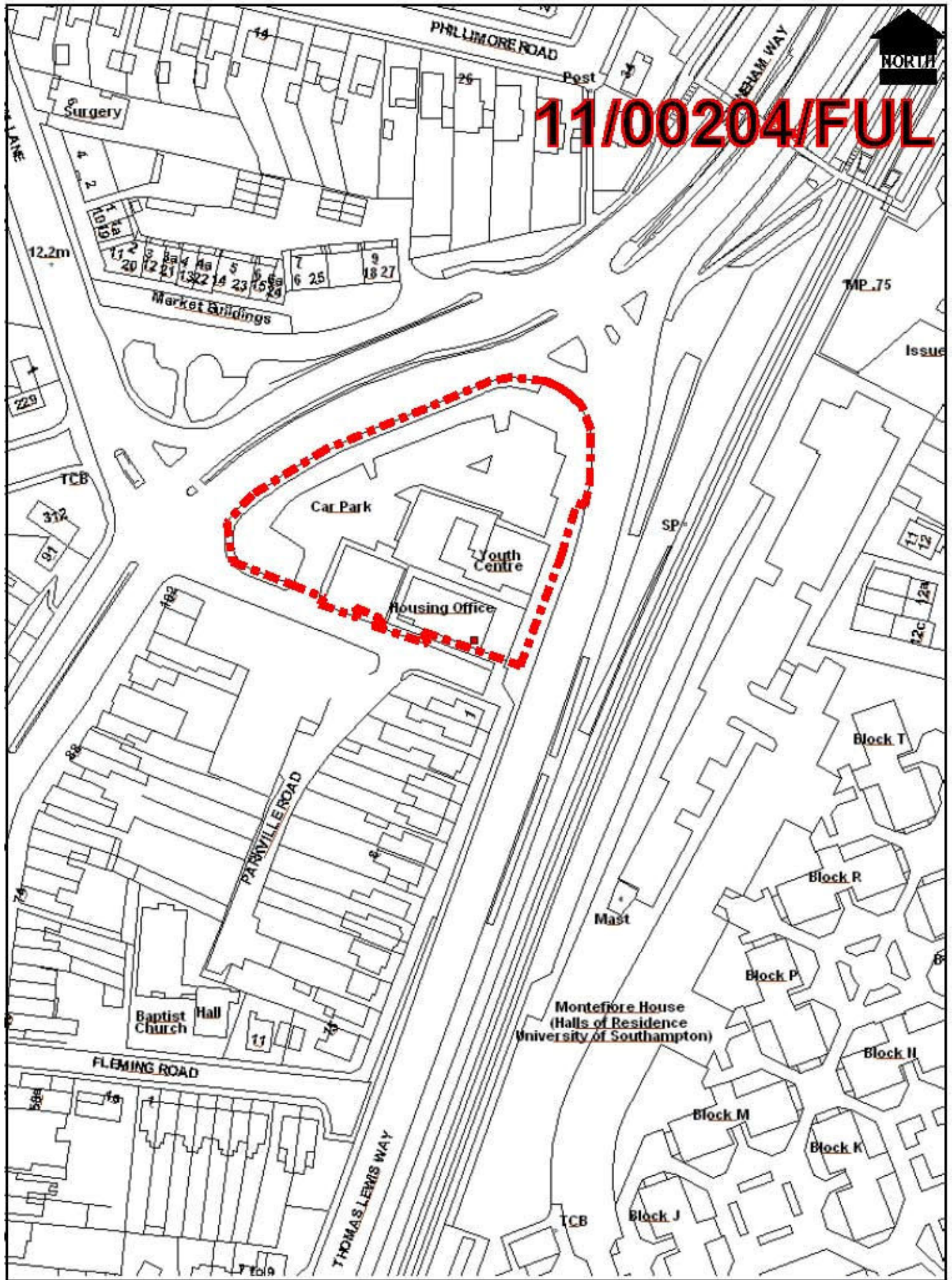
The applicant is reminded to contact the Highways Authority in the event that a license is required to oversail the public highway

Note to Applicant - Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

Note to Applicant – Nesting Birds

The applicant is reminded of their legal duty not to disturb any birds found nesting on site.



11/00204/FUL

Scale : 1:1250

Date : 07 June 2011

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Agenda Item 6

Southampton City Planning & Sustainability **Appendix 2**
Planning and Rights of Way Panel meeting 24th May 2011
Planning Application Report of the Planning and Development Manager

Application address: Area Housing Office, Parkville Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.			
Application number	11/00204/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	N/A Planning Performance Agreement	Ward	Swaythling
Reason for Panel Referral:	Major Development on Council Land	Ward Councillors	Cllr Vassiliou Cllr Osmond Cllr Turner

Applicant: Bouygues Development	Agent: Fluid Architecture Ltd FAO: Mr Christopher Pickering
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Recommendation Summary	Refuse
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Appendix attached			
1	Reasons for Refusal	2	Scheme Comparison Table
3	Development Plan Policies	4	Relevant Planning History
5	SCC Highways Objection	6	Community Use Offer

Recommendation in Full

Refuse for the reasons set out at **Appendix 1** of this report.

Background

The Council resolved to grant planning permission (ref: 08/00081/FUL) in April 2008 for the redevelopment of this site for:

“The erection of new buildings (part two-storey, part three-storey, part four-storey, part five-storey and part fourteen-storeys) to provide a mixed use development comprising a health centre, community use, retail use and 119 flats with associated parking, landscaping and access facilities - Description amended following reduction in height of tower element by 3 storeys.”

Subsequently, the Council granted planning permission (ref: 08/01489/FUL) in January 2009 for a revised scheme comprising:

“Redevelopment of the site. Demolition of the existing buildings and erection of new buildings (part two-storey, part three-storey, part four-storey and part fourteen storeys) to provide a mixed use development comprising a Medical Centre, community use, retail use and 81 flats (40 x two-bedroom, 41 one-bedroom) with associated parking, landscaping and access facilities (amended application to ref. 08/00081/FUL to include additional land).”

Neither development has proven to be deliverable in the current economic climate, although permission 08/01489/FUL is extant and still implementable.

The site is within the ownership of the City Council. The Council's Cabinet agreed, on 25th October 2010, that the site is again, in principle, suitable for disposal.

1. The Site and its Context

- 1.1 This application relates to the redevelopment of the existing Parkville Road car park (66 parking spaces, of which 54 are public), youth centre (308sq.m) and local housing office (243sq.m), which is currently vacant.
- 1.2 This level site is accessed directly from Parkville Road and is bounded to the east by Thomas Lewis Way and the railway line beyond, and to the west by Stoneham Way/High Road and its junction with Stoneham Lane. Both boundaries are defined by mature planting.
- 1.3 The character of the area is mixed in terms of land use and architectural styles. The terrace to the south of Parkville Road forms part of the Swaythling Local Centre, which is characterised by two storey development with retail space fronting the road. The red brick Market Buildings on the opposite side of Stoneham Way/High Road are of three storey construction. They also form part of the defined Local Centre. Swaythling Railway Station is located approximately 220 metres from this site, with existing pedestrian linkages.
- 1.4 The application is located within a defined area of “medium” accessibility, albeit with good access to the Swaythling Railway Station. The application site area measures 0.37 hectares.

2. Proposal

- 2.1 Full planning permission is sought for a mixed use development following the redevelopment of the site with a tall building.
- 2.2 It is intended to provide improved health care facilities over two floors of accommodation (756sq.m), which will enable the existing Stoneham Lane Surgery to relocate. The proposed building has also been flexibly designed to accommodate a future expansion of the medical centre into the first floor (200sq.m) should this be required.
- 2.3 The existing community space (formed by the youth centre) will not be re-provided on site. Instead, the Council has agreed to find alternative off-site provision for the youth club users as part of the land deal between the applicant and the Council as landowner. The Council's existing housing office use has also been consolidated off-site.

- 2.4 Small scale retail (918sq.m), including a new/replacement pharmacy, and four additional 'flexible' retail units (use class A1/A3/D1), a plant room and storage, and a site manager's office will occupy the remaining ground floor space.
- 2.5 The development provides student accommodation for 368 bed spaces (comprising 53 shared 'pods' formed from 348 bedrooms, 4 no.2 bed flats and 12 no.1 bed flats). Given the proposed use no affordable housing is provided.

The Building

- 2.6 The proposed building is a perimeter block development formed by two wings of between one (4.2 metres high) and seven (19.8m) storeys that are hinged together by a fifteen-storey (42.8m) landmark tower around an internal courtyard and parking area. The chosen design provides a southerly aspect to this courtyard and takes a similar form and footprint as that previously consented. The wings incorporate a communal roof terrace and a series of green roofs and walls as the building steps upwards. The building is modern in design with a facing brick, horizontal timber cladding, and through colour rendered finish. The main tower element and wings are formed by a high pressure laminate Trespa cladding.

External Space(s)

- 2.7 As with permission 08/01489/FUL the current scheme has removed the basement car park that was originally approved under application 08/00081/FUL.

- 2.8 A total of 36 spaces are provided at surface level within the courtyard and off-site along Parkville Road. The parking spaces are allocated as follows:

13	Permit controlled spaces for medical centre staff use	On-site
11	spaces for patients of the medical centre (inc. 2 disabled spaces)	On-site
7	Public spaces to serve the retail and community uses	Parkville Rd
3	Informal University Servicing Spaces	On-site
1	Car Club Space	Parkville Rd
1	Private space serving 1 Parkville Road following de-adoption	Parkville Rd
0	Residential spaces	

- 2.9 Permission 08/01489/FUL was approved with 59 parking spaces (including 5 disabled spaces) split across Parkville Road including the former Bower's garage site on the opposite side the road. These spaces were to be allocated between the residential flats (19 spaces) medical staff (14 spaces) and public use (25 spaces) with 1 car club space. A summary comparison table of this scheme with the previous approvals is provided at **Appendix 2** to this report.

- 2.10 The scheme includes a service layby on Stoneham Way/High Road and there is also scope for a bus stop to be located on this frontage following a re-route to the Unilink bus service. A communal bin store is integral to the proposed building as is a cycle store for students with provision for 1 space per 2 students proposed. Additional spaces are provided for visitors to the scheme. All can be secured and retained with a planning condition.

- 2.11 The proposal seeks to retain all existing trees and landscaping along the site's Thomas Lewis Way frontage, although replacement planting is proposed along the

Stoneham Way/High Road frontage. Although these trees are not formally protected by a TPO they are located on Council owned land and are, therefore, afforded protection from inappropriate works. In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B (“worthy of retention”). The scheme proposes their replacement with 16 stand alone trees, 48 densely planted trees in a large courtyard planter, and 13 densely planted trees in a small courtyard planter (77 in total).

- 2.12 The scheme includes a semi-private courtyard and approximately 316sq.m of shared and usable amenity space located on a private roof terrace. All students have access to the communal roof terraces and lower courtyard and management controls are suggested to restrict access after dusk.

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 3**.
- 3.2 The proposed mixed-use development is in principle considered to provide substantial positive regeneration benefits to the Swaythling Local Centre. At ground floor level appropriate retail and community services are provided that will positively extend and enhance the local centre (Local Plan Policy REI6 and Core Strategy Policy CS3 refer). The location of the site provides the opportunity for a tall landmark building that, by its nature, accompanies an intensive form of development.
- 3.3 The existing community uses are protected by adopted LDF Core Strategy Policy CS3.
- 3.4 Policy CS10 is permissive of additional health care facilities in appropriate locations.
- 3.5 Local Plan Policy H13 seeks to ensure that the growth of the city’s Universities is co-ordinated with the provision of student accommodation.
- 3.6 Core Strategy Policy CS16 requires that schemes of 10 or more dwellings provides at least 30% of the units as “family homes” with at least 3 bedrooms and access to private amenity space. An exception is made for “specialist” housing schemes including purpose built student accommodation.
- 3.7 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. In this instance the applicants will achieve a ‘Very Good’ BREEAM standard and will meet their micro-renewables obligations with an air source heat pump located within the plant room.

Planning Policy Guidance Note PPG13 - Transport (2010)

- 3.8 The Government is committed to reducing the need to travel by the private car as part of an integrated transport policy. Land use planning has a key role to play in delivering this strategy. PPG13 explains that by “influencing the location, scale,

density, design and mix of land uses, planning can help to reduce the need to travel". One element of this approach is the implementation of maximum car parking standards, as set out at Policy SDP5 and Appendix 1 of the adopted City of Southampton Local Plan Review (2006).

- 3.9 PPG13 states that Council's should "not require developers to provide more (parking) spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls" (Paragraph 50 refers).

4.0 Relevant Planning History

- 4.1 The relevant planning history for this site is set out at **Appendix 4**.

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 (at validation stage and following the receipt of amended information), placing a press advertisement (21st February 2011) and erecting a site notice (24th February and 3rd March 2011). The application was also advertised as a potential departure from the Development Plan (28th February 2011). Those that objected were notified as the scheme was amended.

Third Party Comment

- 5.2 At the time of writing the report **85** representations have been received from surrounding addresses (excluding multiple responses from the same address), including an objection from Ward Cllrs Odgers and Turner to the submitted and amended scheme.
- 5.3 **City of Southampton Society** – Supportive of the proposals for this site. No objection raised to the current proposals, but have requested that a clock is added to the top of the tower.
- 5.4 1 letter of support has been received from the existing Stoneham Lane Surgery, and 9 representations explain that, whilst objecting to the detailed application, they welcome the principle of a regeneration project on the site.
- 5.5 In addition 4 separate petitions have been lodged comprising:
1. 190 signatures objecting to the sale of the site by the City Council and its subsequent redevelopment for student accommodation and shops;
 2. 188 signatures in support of the provision of university accommodation, new healthcare facilities and retail;
 3. 149 signatures (131 from Ethelbert Avenue) objecting because of inadequate parking and subsequent overspill into the Ethelbert Avenue Conservation Area;
 4. 6 signatures requesting that if permission is granted a condition is imposed restricting car ownership to residents
- 5.6 Relevant planning issues raised include:

i) Highways

- There is a lack of on-site parking to serve the development as evidenced by the applicant's own transport assessment. The University have accepted that restricting student car ownership is unenforceable. This will result in pressure to park off-site in already over-parked streets (such as Parkville Road, Phillimore Road, Rayners Gardens, Ethelbert Avenue, Stoneham Lane, Carnation Road, Laburnum Road and other streets within the Flowers Estate). The submission does not take account of the likely Controlled Residents Parking Zone in the Lower Flowers' roads, which will also lead to additional overspill. This scheme will result in highway safety problems and access difficulties for the emergency services. The number of discrepancies within the transport assessment undermines the credibility of the survey work.

Response

Agreed in part. The adopted Local Plan aims to reduce reliance on the motor car in line with advice contained in PPG13 (Transport). The provision of 32 parking spaces and 1 car club space to serve the proposed level of development in this area of 'medium' accessibility to public transport routes and local facilities is insufficient for the reasons detailed in the Planning Considerations section of this report as informed by the comments of the Council's Highways Officer (attached at **Appendix 5**). That said, the applicant's Transportation Assessment suggests that the existing car park is under utilised, and the City Council has taken steps to close it permanently.

- The management plans for the drop-off and collection of students are inadequate and impractical, particularly for students travelling long distances.

Response

These concerns are shared by the Council's Highways Officer, although it is likely that a planning condition or planning agreement could be used to properly assess the likely demand and make appropriate arrangements with ongoing monitoring. This, in itself, is not a sustainable planning objection.

- Cycle parking is inadequate for a student block and there are no motorcycle spaces.

Response

Since the original submission the level of on-site cycle parking to serve the students has been significantly increased so that a secure store with 1 bike space per 2 students is now available. As part of this change motorcycle parking has been introduced into the site layout.

- The existing public car park will not be replaced to the detriment of the existing Local Centre.

Response

A total of 18 spaces will be available to serve the patients of the doctors (11 identified), users of the commercial floorspace (7 identified) and the existing local centre. As the existing car park has been underused it is likely that many trips to the Local Centre already take place by non-car modes. That said, the level of parking proposed has raised an objection from the Council's Highways Officer.

- The location of the nearest bus stop is too far from the development to encourage the use of public transport.

Response

The applicants propose to re-route the existing Unilink service, and the amended scheme introduces a new stop to the front of the development. These measures could be secured with a S.106 Legal Agreement.

- In the event that planning permission is issued it is essential that the University includes a clause in the tenancy agreements that the student residents will not bring a car to Southampton.

Response

The applicants agree that such a clause is not legally binding or enforceable.

- The development will result in additional trips on the network, which is already at capacity particularly during peak times.

Response

Agreed in part. Discussions with the developers have identified a package of highway works that could be implemented to mitigate against this impact and make the scheme workable. Similarly, it should not be forgotten that there are existing uses on site (including a car park) and that an extant planning permission could be implemented that also yields additional trips on the network.

ii) Community Use

- The existing youth centre provides a valuable resource to the Swaythling community that should be kept or replaced. Similarly, the existing boxing club is providing a valuable activity at minimal cost to its users. The closure of this building without proper replacement will harm Swaythling, which already has high levels of unemployment and social deprivation.

Response

Agreed. This issue is discussed further in the Planning Considerations section of this report. The Council has confirmed the measures it will undertake to replace the youth club provision and the applicants are working with the boxing club to ensure ongoing provision is possible (**Appendix 6** refers).

iii) Design & Residential Amenity

- A 15 storey tower and the chosen design are grossly out of keeping with its context. The proposal would be visually intrusive.

Response

The issue of design, height, scale and the suitability of a tall building for this site is discussed in the Planning Considerations section of this report. Refer also to the comments of the Council's City Design Manager. The Council has previously resolved to grant permission for a 14 storey tower with a similar building height.

- The application fails to respect views out from the nearby Ethelbert Conservation Area. Overspill parking may take place within the CA to the detriment of its character.

Response

The application was previously considered to be suitably removed from the nearby conservation area so as not to harm its setting. The previous scheme was also assessed as having an appropriate level of on-site car parking. The submission includes a full visual impact assessment (as was presented with the previous scheme) and the tower element, whilst visible, is considered to be acceptable. The highway concerns of overspill parking are shared by the Council's Heritage Team Leader.

- The tower will restrict the flight path to Southampton Airport.

Response

BAA are a statutory consultee on this matter and have raised no objection to the proposals.

- The scheme does not provide sufficient details of the proposed external lighting and fails to demonstrate how light spill will be reduced.

Response

The detailed lighting scheme could be resolved by a planning condition following further consultation with colleagues in Environmental Health.

- A 15 storey tower will result in significant overshadowing of surrounding buildings.

Response

The applicants submission includes a detailed shadow path analysis, which confirms that the majority of the shadow caused will fall across the existing highway network rather than nearby residents (the nearest of which are located to the south of the development and away from any shadow caused).

- The submitted noise survey does not include any new survey work since the previous application (including noise from the likely occupants) and is inadequate. The site should be reclassified as Noise Category D where PPG24 recommends that planning permission is refused.

Response

The Council's Environmental Health Officer has reviewed the submission and the detailed objection to it. The EHO agrees, in part, with the objectors criticisms but comments that "the proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG 24 and the criticisms will not make a great deal of difference to the calculated levels and, therefore, the high specification windows with acoustically treated ventilation that are proposed should be sufficient to ensure the internal noise climate is suitable. No objection has been raised to the assessment and planning conditions are recommended to resolve any detailed issues.

- The nearby residents will suffer from noise and antisocial behaviour from the student residents – as evidenced elsewhere in the City where concentrations of students live.

Response

The applicants have given careful consideration to the impact that the development (and its users) will have on its neighbours. The site will have a 24 hour concierge/manned site office and external gates will be locked at an agreed time to ensure that all pedestrian movements take place through the tower and away from Parkville Road residents. Similarly, the proposed roof terrace will be locked after dusk. Further details of this management plan and CCTV can be secured with a planning condition.

- Loss of privacy to the resident of 1 Parkville Road and others who live nearby.

Response

The proposed alterations to the wings of the building and the removal of any communal roof terrace or window with a southerly aspect from the Thomas Lewis Way wing will remove any possible overlooking. The main building is sufficiently separated from its neighbours to cause any concern. For instance, the tower is some 42 metres from Market buildings and 63 metres from the rear of those dwellings fronting Phillimore Road. A separation distance of 49 metres between the tower and 1 Parkville Road is achieved, which reduces to some 11.7 metres to the nearest wing. There are no windows proposed at this point. The level of overlooking proposed is no worse than those previously assessed as acceptable.

- The quality of television reception will be reduced by this tower scheme (and certain addresses, particularly within the Ethelbert Avenue Conservation Area, are unable to erect a satellite dish).

Response

PPG8 Telecommunications (2001) advises that “large, prominent structures such as tower blocks, cranes, warehouses or football stadiums can cause widespread disruption to analogue television reception... Digital television signals are far more robust than analogue and, as viewers change to digital over time, offer the prospect of the elimination of such problems.... Certain factors can be taken into account at the planning application stage, in particular the height and width of each face of the structure, the material and outside surface finish, and the orientations of the sides of the structure in relation to any local transmitter”. Whilst the issue is material to Planning, as with the previous scheme the S.106 legal agreement could be used to secure a pre and post construction TV reception study with any change in circumstances rectified at the developer’s expense.

- The building will have a wind funnelling effect

Response

As with the previous scheme(s) the proposed design reduces any significant harmful microclimate impacts as detailed in the applicant’s submission.

iv) Other

- There are nesting birds using the site, and the submitted ecology report fails to make any assessment of the site’s bat population. The loss of trees and habitat should be resisted.

Response

The Council’s Ecologist and Natural England have identified that the site has a very limited biodiversity value and have raised no objection to the application. The Council has already accepted the principle of redevelopment. The issue of nesting birds can be resolved by carefully programming the commencement of development.

- The proposed retailing will compete with the existing Local Centre, which is already suffering from high vacancy rates. The submitted Retail Impact Report contains deficiencies.

Response

The Local Plan identifies this junction as a Local Centre. Although the application site does not form part of this designation the use of retail space along Stoneham Way will activate the ground floor of this building, whilst linking the Stoneham Way retail frontages with Market Buildings. The proposed commercial space is formed by 5 separate units with a combined floor area of 918sq.m. At the time of writing the applicant’s have indicated that two of these units have been earmarked for a convenience retailer and a pharmacy respectively. Given the relative small-scale operations the proposal will not significantly impact upon existing trading but should compliment the existing Centre. The Council has previously resolved to grant permission for 608sq.m of complimentary retail serving a mixed-use redevelopment proposal on this site.

- The public consultation undertaken as part of the pre-application stage was inadequate. It comprised 1 evening session on 8th December at the Jury’s Inn with little notice.

Response

Noted. The Council has undertaken its own consultation exercise in line with statutory requirements.

- There would be vandalism to medical staff cars (off and on-site).

Response

The scheme has been designed to accommodate the needs of the Surgery so as to reduce the likelihood of staff needing to park off-site. On-site provision has been made for CCTV coverage and management that should deter any vandalism taking place.

Consultation Responses

- 5.7 **SCC Highways** – Objection raised. A full copy of the objection is attached to this report at **Appendix 5**.
- 5.8 **SCC Heritage** – Concerns raised. There are potential implications arising from the implementation of the Gateway scheme and the nearby Residents Parking Scheme. Concerns are raised that casual parking would relocate to other areas, the Conservation Area included. As Ethelburt Avenue is a private road managing casual parking will prove problematic as the Council will not be able to enforce a Residents Parking scheme. Such parking may be detrimental to the character and appearance of the Conservation Area.
- 5.9 **SCC City Design** – following detailed discussions at both pre-application and application stage no objection raised. Previously advised that the form, height and massing is acceptable and promises to provide a dramatic gateway building on this key approach to the city. The wings are tall, given the context and local plan policy SDP 9 (5 storeys or greater), and the same applies as above. These wings, particularly on Stoneham Way, complement and relate more closely to the local context providing a human scale at street level. The pedestrian route through to the medical centre includes windows to allow some natural surveillance as well as being well lit. The route should also be clearly legible through to the medical centre entrance. In response to this scheme it is considered that the strip windows to the wings introduce a rhythm of windows and mullions that reflects the proportions of the Market buildings. They will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing.
- 5.10 **SCC Tree Team** - The trees on this site are under Council ownership and are therefore considered to have the same protection as a Tree Preservation Order. They do, therefore constitute a material consideration in the planning process. The objection raised from previous consultations (ref. 08/00081/FUL) is still relevant although constrained by the outstanding permission. There are some 20 trees and hedgerow trees shown to be removed. It was previously recommended that this application is refused due to the loss of important visual amenity trees without suitable mitigation.
- 5.11 **SCC Housing** – No objection raised to nil affordable housing provision providing a restriction on the use of the units for students only is imposed. The provider should also be required to sign up to SASSH - Southampton Accreditation Scheme for Student Housing.
- 5.12 **SCC Landscaping** - No objection subject to the imposition of appropriate planning conditions. This is an acceptable solution, which is a mature and thoughtful response to both the new development and the existing context.
- 5.13 **SCC Sustainability** – No objection subject to the imposition of appropriate planning conditions. The BREEAM pre-assessment indicates that at least a ‘Very Good’

standard will be achieved, however there is a lack of additional information on the residential and retail assessments on how each of the credits is planned to be achieved. The design and access statement says 'A 10% improvement or better over Building Regs Part L2A shall be achieved.' The applicants should be aware that the multi-residential element should be achieving at least 15% improvement.

- 5.14 **SCC Ecology** – No objection subject to the imposition of appropriate planning conditions. It is pleasing to see the introduction of a bio-diverse green roof, although it only accounts for a small proportion of the available roof space. This roof will provide some mitigation for the loss of foraging provided by the tree belt. The proposed development is unlikely to have a significant adverse impact on local biodiversity. Implementation of the enhancement measures listed in the Ecological Appraisal January 2011 should be secured through a planning condition. An informative should be placed on any permission advising of the legal duty to avoid disturbance to nesting birds.
- 5.15 **SCC Environmental Health (Pollution & Safety)** - No objection subject to the imposition of appropriate planning conditions relating to noise attenuation, hours of construction, piling method, demolition method and the management of operational deliveries. The proposal recognises that this site is in a noisy area, on the cusp of category C/D of PPG24. A high specification window with acoustically treated ventilation is proposed and should be sufficient to ensure the internal noise climate is suitable. It should be noted that mechanical ventilation may be required for the lower levels of the site to overcome any potential concerns for air quality issues from the traffic.
- 5.16 **SCC Environmental Health (Air Quality)** – No objection subject to the imposition of appropriate planning conditions. The Air Quality Report is acceptable.
- 5.17 **SCC Environmental Health (Contamination)** - No objection subject to the imposition of appropriate planning conditions. Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Therefore, to ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach.
- 5.18 **SCC Archaeology** – No objection subject to the imposition of appropriate planning conditions. A desk-based assessment and programme of field evaluation was undertaken back in February 2009. Although prehistoric material (including Bronze Age pottery and burnt flint) was discovered on the site, the archaeological potential for the site can best be dealt with by carrying out a Watching Brief on the groundwork associated with the development.
- 5.19 **BAA** - No objection subject to the imposition of appropriate planning conditions relating to bird hazard management, removal of permitted development rights for telecoms, lighting and cranes.
- 5.20 **Natural England** – No objection. The site is within 500m of the habitats that form part of the River Itchen Site of Special Scientific Interest (SSSI), which also forms part of the River Itchen Special Area of Conservation (SAC). It is the opinion of NE

that this project, either alone or in combination, would be unlikely to have a significant effect.

- 5.21 **Southern Water** - No objection subject to the imposition of appropriate planning conditions. A public sewer crosses the site and will need to be diverted as part of the proposals.
- 5.22 **Hampshire Constabulary** – No objection following confirmation that the proposed lighting will be either column or building mounted to avoid Secured By Design issues. Previously advised that the Design & Access Statement addresses the context of the site in compliance with PPS1.
- 5.23 **The Environment Agency** – Previously raised no objection in principle, but requested that planning conditions are imposed to ensure that the development complies with the applicant's Flood Risk Assessment.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of mixed-use & the replacement of community facilities;
 - ii. The principle of a tall building development in this location;
 - iii. The design approach & its impact on the established character;
 - iv. The level of on-site parking and servicing, and its impact on highway safety; and,
 - v. The impact on existing and proposed residential amenity;
 - vi. Impact on Local Trees;
 - vii. The requirement for a S.106 Agreement and the provision of affordable housing.

6.2 Principle of Mixed-use Redevelopment

The re-use of this previously developed land with a mixed-use proposal is consistent with the requirements of 'saved' Local Plan policies H2 and H13 as supported by policies CS3, CS5 and CS10 from the Council's adopted LDF Core Strategy (2010) and the national guidance identified above.

- 6.3 The Council's favourable determination of the previous applications (08/00081/FUL and 08/01489/FUL) is also a material consideration that should be afforded significant weight in the determination of this application, especially as the latter scheme could still be implemented

i) Community Uses

- 6.4 Policy CS3 seeks to prevent the loss of existing community uses unless the use can be relocated to a site providing equivalent community benefit or there is no community need for the building.
- 6.5 As submitted the application proposed to replace the existing community uses, but as discussions have developed so has the ground floor layout and the proposed uses. Rather than replace the community uses on site, the Council's Children's and Services Team have confirmed that from September 2011 they will maintain youth support provision in the Swathing area via an advertised programme of activities (taking place once a week) utilising existing venues such as Cantell School, Swaythling Neighbourhood Centre, Woodmill and the new MUGA on Daisy Dip (when it is completed).

6.6 The existing youth centre operates in tandem with the Inner City Boxing Club, which is a voluntary organisation. The boxing club have an informal arrangement with the Council to operate from the site on a temporary basis whilst redevelopment plans are fixed. As such, whilst the value of their work cannot be overstated, in planning terms they should be afforded only limited weight when assessed against Policy CS3 as they took the space in the knowledge of the Council's planned redevelopment proposals. That said, the applicants are working with the Boxing Club and propose to assist in finding alternative provision for the club as detailed in their attached letter at **Appendix 6**.

6.7 The application accords with the aims of Policy CS3.

(ii) Retail (Use Class A1)

6.8 As with the extant permission the application seeks a commercial ground floor use. The application proposes 3 retail units (use class A1) to include a pharmacy, a flexible retail unit (use class A1/A3 food and drink) and a Unit for D1 uses (Non-Residential). A combined floor area of 918sq.m is proposed. Policy CS3 states that "new development must be at a scale appropriate to the size and role of the centre" and identifies Swaythling as being served by a 'Local Centre' that meets 'day to day' needs for the immediate neighbourhood. The Policy is permissive of new development to protect the vitality and viability of these existing centres. The application site is located outside of the existing defined centre, but is an obvious link between the designation along High Road and the Market buildings.

6.9 The applicant's updated 'Retail Report' (2011) explains the retail impact of the proposal and concludes that the existing centre is still struggling (since their assessment of earlier, similar, proposals). Vacancy rate has increased from 5% in 2007 to 14% in 2011. The proposed uses will regenerate the area as part of the mixed-use proposals and should compliment the existing centre. The application is considered to have addressed the requirements of Policy CS3 and the additional retail floorspace proposed is again deemed to be acceptable. The application has, nevertheless, been advertised as a departure from the development plan as it proposes more than 750sq.m of retail floorspace outside of a recognised centre.

6.10 In accordance with previous discussions the applicants propose the following hours for trading:

- 6:30am to 10:30pm Monday to Saturday
- 7am to 10pm on Sundays and Public Holidays
- The pharmacy shall not operate outside of the hours of 7am and 11pm 7 days a week

6.11 Site deliveries will be restricted to between 6am and 7pm (7 days a week including Sundays and public holidays) with deliveries between 6am and 7am restricted to one transit van delivery only. Any deliveries by articulated vehicles shall take place no earlier than 7am (Monday to Friday) and 8am on weekends and public holidays.

6.12 These suggested hours are considered to be acceptable.

iii) Medical Centre (Use Class D1)

6.13 The application proposes 756sq.m for a medical centre serving the catchment of the existing Stoneham Lane Surgery. Policy CS10 is permissive, in principle, of applications for primary care facilities in existing accessible centres and where there is a need as part of an expansion of an existing facility. This part of the application accords with these aims and is supported by officers.

(iv) Residential (Use Class C3)

6.14 The principle of additional housing on this previously developed site is supported and will assist in providing a genuine “mixed and balanced community” as required by PPS3 (2010), Core Strategy Policy CS16 and Part 6 of the approved Residential Design Guide (2006). A high-density residential scheme will facilitate the provision of improved community and health facilities and has already been accepted.

6.15 The key change following the consideration of application 08/01489/FUL is that the residential element of the scheme is to be taken by the University of Southampton for student accommodation. With the exception of the 16 self-contained flats the accommodation is provided in pods or “cluster flats”, where 5 or 6 students share a communal living space with one another. There are 53 of these flats. The principle of this type of accommodation is supported by saved Policy H13 and is well suited for the site and the Swaythling Local centre. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City’s existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council’s normal affordable housing requirements do not apply.

Principle of a Tall Building

6.16 The application site is defined by mature planting and a low density context of between two and three storeys. The provision of a 15 storey building requires further justification and consideration before it can be accepted within this defined context. Adopted Local Plan Policy SDP9 defines a tall building as having 5 or more storeys of accommodation and states that the principle of tall(er) buildings is accepted on major routes into and out of the City, at junctions and at “gateway” locations. The application site meets these requirements and has already been assessed as acceptable, in principle, for a tall building proposal. The form of the current tower is similar to that previously considered to be acceptable, and the additional storey within the tower can be accommodated by reducing the storey heights throughout the building with no additional overall height required.

6.17 A material change following the approval of application 08/01489/FUL relates to the High Road and Thomas Lewis Way wings, which have been increased in height from 4 to 6/7 storeys.

6.18 A tall building scheme on this site is acceptable. This conclusion is shared by the Council’s City Design Manager and the Council’s “Gateways and Approaches Initiative” document (2006), which remains an un-adopted strategic document at this time.

Design Approach and Impact on Established Character

- 6.19 The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 6.20 In particular, PPS3 (2010) states that “good design should contribute positively to making places better for people. 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).
- 6.21 Local Plan Policy SDP7 states that “development which would cause material harm to the character and/or appearance of an area will not be permitted”. The supporting text explains that “context is about understanding the uses, visual characteristics and the patterns of local life of an area” (paragraph 2.49 refers). The Council’s Residential Design Guide SPD explains that one of its key objectives is to positively enhance local character. In line with national urban design guidance the RDG recognises that the scale, massing and appearance of a dwelling or a group of dwellings should create a balanced composition in relation to each other and be in harmony with existing nearby development (paragraph 3.9.5 refers).
- 6.22 In terms of immediate context, it is clear that only a building of domestic scale would truly respect the existing Swaythling Local Centre. However, it does not follow that development of a greater scale and massing will automatically be viewed as alien or harmful to a given context. The site’s redevelopment potential has already been accepted and it sits on land bounded by significant highway distributors (in terms of volume and width). The site has an urban feel and appearance and its gateway location is recognised in the Council’s “Gateways and Approaches Initiative” document (2006). Marking a gateway with a landmark building is an established design technique. The Council has accepted a modern tall building proposal on this site already, and circumstances have not changed significantly, despite the subsequent adoption of the LDF Core Strategy in January 2010. The current proposal is formed using a very similar building footprint and envelope. The massing of the tower element has remained similar to the consented scheme, with the height and width being identical. The scheme is still compliant with Policy SDP19 in terms of airport safety and BAA have again raised no objection to the application’s height or form.
- 6.23 The chosen design expands on that already approved, albeit the wings have been increased in height by two/three storeys and all balconies have been omitted. The tenure has been amended and now proposes a scheme comprising wholly student residential accommodation above the ground floor commercial uses. The Council’s City Design Manager has commented that the taller strip windows to the wings provide a rhythm of windows and mullions that reflects the proportions of the Market buildings and will improve their visual relationship whilst reducing the scale of the wing, as does the use of the timber cladding to the top floor and the black brick plinth ground floor detailing. No objection to the proposed scale, design or massing is made.
- 6.24 The proposed quantum of residential development enables the provision of a good “community” offer as part of a wider regeneration scheme. It is, therefore, considered that the proposed footprint and quantum of development (in terms of its built form) is acceptable, and would not result in any substantial harm to the visual

amenities of the locality. The current application enables the applicant to make better use of this previously developed land and assists the Council in addressing its housing requirements.

- 6.25 The application is considered to have addressed the requirements of local and national design guidance identified above and supported by Local Plan policies SDP6, SDP7, SDP8 and SDP9 as supported by Core Strategy Policy CS13 and CABE's guidance relating to "Tall Buildings".
- 6.26 Finally, the impact of the development on the nearby Ethelbert Avenue Conservation Area has also been considered as required by Local Plan Policy HE1. The impact of the physical form on the setting of this conservation area is considered to be negligible given the separation distances involved and the existing development between the two. The Council's Heritage Team Leader has raised concerns, however, to the impact that any overspill parking may have on the character of the conservation area itself, especially as Ethelbert Avenue is currently an un-adopted unmade road with no parking restrictions (unlike others in the vicinity of the site) and its adoption or use for parking to serve the development would affect its character.

Highways and Parking

- 6.27 Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes and Swaythling Train Station. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. Since submission the level of on-site car parking has increased from 24 to 36 (including 3 spaces to meet the University's servicing needs) with the use of Parkville Road for designated parking. Whilst this parking is located outside of the submitted 'red line' it is highway land and could be secured with a S.106 legal agreement.
- 6.28 The Council's Highways Officer has raised an objection to the proposals based on the lack of appropriate on-site parking to meet the needs of this mixed-use development, and the local centre following the loss of the existing public car park. Furthermore, during the consideration of the application it has become evident that neither the University nor the City Council could reasonably restrict any student from bringing a car to University and parking on nearby roads. Whilst there is no certainty that any student will choose to do so, especially given the availability of on-site cycle parking, a car club space, the 'free' Unilink bus pass to residents (with a possible diversion of the UNilink bus route) and the close proximity of the proposal to a Local Centre and the University itself, there is a possibility that additional demand for off-site parking spaces will be caused by the residential element of the scheme. An Assessment of whether this off-site demand is likely and harmful is, therefore, required. A full copy of the Highways Officer's response that informs the recommended reason for refusal is set out at **Appendix 5** to this report. In light of this objection it is considered that the scheme fails to accord properly with the Local Plan and Core Strategy policies relating to parking and highway safety, and this shortfall in provision will give rise to additional inconvenience to those existing residents of Parkville Road.

The Impact on Existing Residential Amenity

- 6.29 It is accepted that the introduction of a 15 storey building will have an impact on the existing amenities enjoyed by residential neighbours. An assessment of the significance of any harm caused by this proposal in terms of proximity to neighbours, overlooking and overshadowing was previously undertaken and accepted. A similar assessment has been submitted and the same conclusion reached with regard to the tower.
- 6.30 The increase in the height of the wings will have little bearing on existing neighbours given the separation distances involved. The additional height is stepped away from the nearest neighbour in Parkville Road and the nearest part of this two/three storey wing is 11.7 metres away. The first floor of this part of the proposed building is again dedicated to medical use and has omitted any windows fronting 1 Parkville Road. Instead, a green wall is proposed to this part of the site.
- 6.31 The proposed roof terraces have been sensitively designed to limit any overlooking of nearby neighbours. Concerns had been raised by other residents in Parkville Road that the tower element will afford significant overlooking of their property. Although there are no established guidelines for suitable privacy distances for a building of the height proposed it should be noted that the tower is itself located some 49 metres from the boundary of 1 Parkville Road. There will be no significant overlooking afforded towards this property and its neighbours from the student accommodation located in the lower sections of this scheme as the building's eastern wing will obscure any views. At the higher storeys the outlook from these pods will relate more to the wider context and the skyline than the nearest neighbours. In any event the minimum separation distance of 49m is considered to reduce any harmful overlooking afforded.
- 6.32 Finally, the application has again been supported with shadow diagram information to demonstrate that the majority of any shadow cast will fall across the public highway (particularly in the early and late afternoon, when private amenity space is more likely to be used by residents).
- 6.33 Given the building's proposed siting it is not considered that the proposed development will lead to any adverse impact on the surrounding properties in terms of overshadowing, loss of outlook or a significant loss of privacy. As such the application is again considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

Living Environment

- 6.34 The site is located at a major highway junction and close to the railway line and is still located within Noise Exposure Category C (as defined by PPG24). The potential for noise nuisance to prospective residents is, therefore, significant. PPG24 states that, in such locations, planning permission should not normally be granted without planning conditions that can secure a commensurate level of protection against noise.
- 6.35 The applicants have submitted an Air Quality Assessment and Acoustic Assessment that suggest mitigation measures that can make this scheme

acceptable for this location. These reports have been forwarded to Environmental Health for consideration and no objection has been raised. The provision of fixed shut glazing and mechanical ventilation is considered to be an appropriate solution in these circumstances. In addition, it is noted that 10 of the proposed bedrooms (less than 3% of the total) have compromised outlooks, particularly those in the tower that look out towards the wings. On a scheme of this nature this type of accommodation is mitigated by access to other (internal and external) communal spaces that provide for a satisfactory living environment. As such, the layout of the building is again judged acceptable. All room sizes are acceptable and noise transfer between units can be mitigated at the Building Regulations stage. The applicant's previous "Micro-climate Study" confirmed that the building has been designed to sensitively mitigate any changes in microclimate and the wind environment, especially around the base of the building. Pedestrian comfort is deemed to be acceptable. The building has safe and convenient access to integral bin and cycle storage. Lift access is provided to serve all floors.

- 6.36 In accordance with the Council's current external space standards a 69 flat scheme should be supported by some 1,380sq.m of amenity space that is "fit for its intended purpose". This level of provision cannot be achieved on a scheme of this nature and would make any such scheme undevelopable. A degree of flexibility is therefore recommended (as was the case with the previous scheme). In this instance, the amenity space provision is met by approximately 316sq.m of shared and usable amenity space located on the proposed roof terrace. Additional external space is provided in the semi-private ground floor courtyard. The scheme does not comply with the external space standards of the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4. That said, these units are not for private market accommodation and will serve a student need. As such, an exception to these requirements can be afforded, especially as students often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space is proposed.

Impact on Local Trees

- 6.37 Adopted Local Plan policies SDP6(vii), SDP7(i), SDP12 (as supported by section 4.7 of the Council's approved Residential Design Guide and Core Strategy Policy CS13) seek to ensure that major planning applications are supported by tree survey work and details of tree protection.
- 6.38 In total 20 trees will be felled to accommodate this development, 14 of which have been identified as Grade B ("worthy of retention"). The scheme proposes their replacement with 16 stand alone trees, 48 densely planted trees in large courtyard planters and 13 densely planted trees in a small courtyard planter (77 in total). The majority of the trees earmarked for removal are located along the Stoneham Way elevation. The proposed building seeks to activate the ground floor to this street frontage with the introduction of additional retail space and pedestrian entrances. The building is also serviced from a proposed lay-by taken from Stoneham Way. In order to provide a building that successfully relates to the street, whilst ensuring that the development's servicing requirements are not met from Parkville Road, it is deemed necessary to remove the existing trees along this frontage. The internal courtyard will be landscaped and tree pits will be utilised to accommodate further planting within the heart of the development. The loss of these trees is again considered to be acceptable.

Section 106 Legal Agreement

- 6.39 In the event that the recommendation were to approve the applicants have agreed to enter into a S.106 Legal Agreement with the Council (at the land transfer stage) in order to secure contributions towards transport and open space improvements that mitigate against the development's direct impacts.
- 6.40 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. Any S.106 legal agreement could have included a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7.0 Summary

- 7.1 The determination of this application has to be considered in the context of the recent approval for a very similar scheme on this site. This application again proposes a landmark building at one of the City's gateways and there are only marginal changes to the external appearance of this building (when compared to the recent approval) with the main change being the increase in height to the wings, an alternative design finish and the accommodation type. It again offers a mixed-use scheme with significant regeneration and community benefits, including an improved health care offer for this catchment. In order to achieve these benefits and make the scheme viable the application seeks permission for a high-density residential tower. The site is accessible to good public transport links and the consideration of density should follow that of good urban design. On that basis the proposed density is not considered to be unduly harmful and in conjunction with the other changes to the proposal (outlined above) it represents an improvement to the extant permission. The re-provision of the existing youth club use can be resolved by the Council as landowner, and the applicants are working with the Boxing Club to resolve their accommodation difficulties in the event that the existing buildings are lost to a redevelopment proposal.
- 7.2 It is evident that there are many positives arising from the development, including the provision of specialist housing that may reduce demand on existing family housing stock, an exciting landmark design fit for Southampton and the re-provision of improved medical facilities with wider regeneration and community benefits. It is also considered, however, that the level of development proposed and the further intensification of the site is not properly served by a level of on-site car parking to meet its own needs. The stated benefits should not be at any cost and the proposed level of parking will result in a demand for off-site parking to serve the commercial and, possibly, residential uses. The applicant's submission fails to deal with this properly and, in light of the highway safety concerns raised by the Council's Highway Officer, the recommendation is that planning permission should be refused.

8.0 CONCLUSION

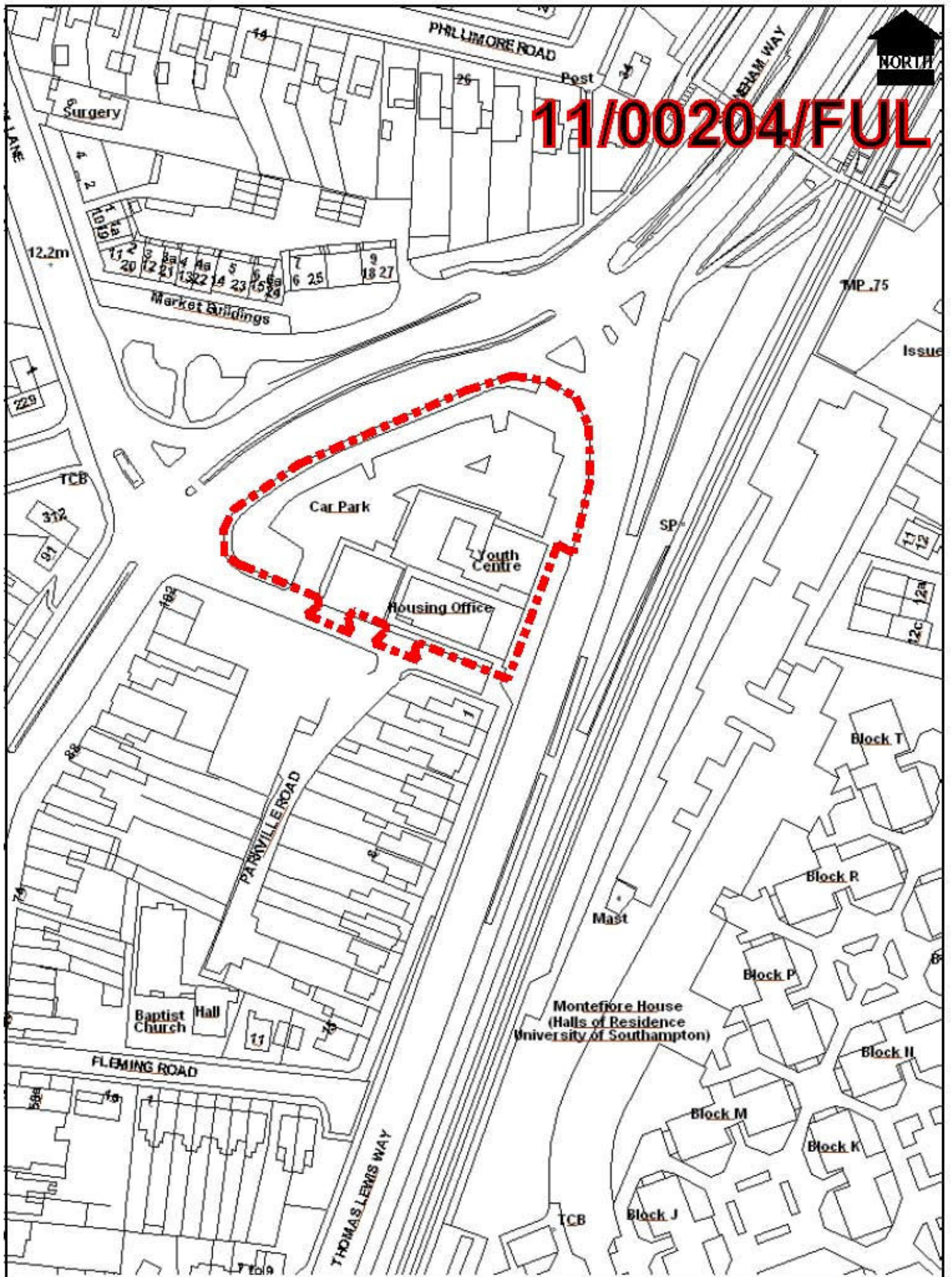
8.1 The application is recommended for refusal for the reasons set out in ***Appendix 1*** to this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, c, d, 4b, f, 6a, c, d, h, 7a, b, f, g, i, n, p, t, u, v, w, 9a, 10a & b

SH2 for 24/05/11 PROW Panel



11/00204/FUL

Scale : 1:1250

Date : 10 May 2011

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11/00204/FUL – Updated Comparison Summary Table

	08/01489/FUL - Approved	11/00204/FUL – Deferred	11/00204/FUL – Proposed Revision
Residential Units	81 flats	69 pods and flats	69 pods and flats
Residential Mix	0 studios 41 no.1 bed 40 no.2 bed	53 student pods 12 no.1 bed 4 no.2 bed	53 student pods 12 no.1 bed 4 no.2 bed
Affordable Housing	62 units (ie. 77% on-site) comprising: 31 no.1 bed flats 31 no.2 bed flats	N/A	N/A
Affordable Mix	50% socially rented 50% intermediate rented/shared ownership	N/A	N/A
Non Residential Uses	D1 Medical - 746sq.m+ A1 Retail – 608sq.m D2 Community – 320sq.m	D1 Medical - 756sq.m+ A1/A3/D1 Commercial – 918sq.m D2 Community – 0sq.m	D1 Medical - 756sq.m+ A1/A3/D1 Commercial – 918sq.m D2 Community – 0sq.m
Employment	43 employees	50 employees	50 employees
Parking	Total – 59 spaces comprising Basement - removed Surface Level - 25 Bowers site - 34 spaces	Total – 36 spaces comprising Basement – N/A Surface Level – 36 9 – Parkville Road 27 – On-site Bowers site – N/A	Total – 44 spaces comprising Basement – N/A Surface Level – 44 12 – Parkville Road 32 – On-site Bowers site – N/A
Parking Split	Residential – 19 spaces Staff – 14 spaces Shared Public – 25 spaces Car Club – 1 space	Residential – 0 spaces Staff – 13 spaces Shared Public – 18 spaces comprising: 7 – Retail/Community 11 – Patients Car Club – 1 space University Servicing – 3 spaces Private (1PR) – 1 space	Residential – 0 spaces Staff – 13 spaces Shared Public – 31 spaces comprising: 31 – Patients/Retail/Community Car Club – 0 space University Servicing – 0 space Private (1PR) – 0 space
Amenity Space	19sq.m per unit	316sq.m (0.9sq.m per student)	316sq.m (0.9sq.m per student)
Sustainable Homes	Code Level 3	BREEAM - Very Good	BREEAM - Very Good
Site Area	0.49 hectares	0.37	0.37
Residential Density	165 dph	186dph	186dph
Building Height	Tower – 14 storeys (44 metres) Wings – Up to 4 storeys (14 metres)	Tower – 15 storeys (42.8 metres) Wings – Up to 7 storeys (19.8 metres)	Tower – 15 storeys (42.8 metres) Wings – Up to 7 storeys (19.8 metres)
Tree Loss	24 trees removed Replaced with 18 trees on site	20 trees removed Replaced with 77 trees on/off site	20 trees removed Replaced with 77 trees on/off site

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 21 JUNE 2011

Present: Councillors Jones (Chair), Claisse (Vice-Chair), Mrs Blatchford, Cunio, L Harris, Osmond (Except Minute 13) and Thomas

12. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**
RESOLVED that the Minutes of the Meeting held on 24th May 2011 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.

13. **AREA HOUSING OFFICE, PARKVILLE ROAD 11/00204/FUL**
Redevelopment of the site. Demolition of the existing buildings and erection of a building ranging in height from 3-storeys to 15-storeys to provide student residential accommodation (53 cluster flats comprising a total of 348 rooms, 4 x 2-bedroom flats and 12 x 1-bedroom flats); a medical centre (Class D1 use), retail units (Class A1) and two units for community use or non-residential institution use (Class D1) or retail (A1) or food and drink use (A3) with associated landscaping, parking and site works, including the stopping up of existing highway.

Mr Lewis, Mr Kiddle, (Applicants), Mr Hopgood, Mr Spinney, Mr Dixon, Mr Piccinino (Local residents), Councillors Osmond, Turner and Vassiliou (Ward Councillors) 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

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Claisse, L Harris and Thomas
AGAINST: Councillor Cunio

RESOLVED that authority be delegated to the Planning and Development Manager to (i) negotiate/finalise the 'penalty clause' contribution and (ii) amend planning conditions before issue and grant conditional planning approval subject to:-

- (a) Confirmation that draft Heads of Terms are acceptable to the applicant prior to the grant of planning permission, and receipt of an undertaking from the Head of Property and Procurement Services that the contract for the sale of Council owned land, the subject of this application, will be conditional upon Bouygues Development and any other landowner entering into a S.106 legal agreement with the Council, prior to the land transfer taking place, to provide the following planning obligations:

- i) An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) in accordance with Local Plan Policy H13(v);
- ii) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
- iii) The scheme shall make a commencement within 6 months and achieve a shell and core finish within 36 months from the date of the planning permission so as to reflect the current viability assumptions made. In the event that this is not achieved a fresh viability appraisal shall be submitted with any uplift in value (up to an agreed sum) payable to the City Council;
- iv) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping works (including the proposed Stoneham Way service layby and Parkville Road Improvement Scheme with a minimum of 12 parking spaces) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
- v) The funding of Traffic Regulation Orders (TRO) required for the above measures to enable the development to be implemented;
- vi) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements, including the potential for a new/revised UNllink bus route and bus stop serving the development with implementation prior to first occupation, in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- vii) The submission and implementation of a public parking management plan for those spaces along Parkville Road dedicated for public use;
- viii) A Student Car Ownership Restriction as part of any student contract of tenancy shall be agreed and imposed. No student shall be entitled to park on the land. Upon the offer of the place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed penalty clause wording to the effect that they shall not bring a car to Swaythling Ward whilst living at City Gateway and will be evicted if found to have done so. This will be enforced by the landowner upon receipt of valid evidence. In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within agreed timescales a breach of planning will have occurred and a financial penalty (to be set and agreed) will be payable to the City Council by the landowner. Reception area to have an up-to-date telephone number with information about when and where breaches can be reported to the freeholder.

- ix) A mechanism for replacing the existing community uses (both during and following the construction phase) in accordance with LDF Core Strategy Policy CS3;
- x) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
- xi) The submission, approval and implementation of public art – possibly to include an art fence - that is consistent with the Council’s Public Art ‘Art People Places’ Strategy;
- xii) Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNIlk bus passes to all residents;
- xiii) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25;
- xiv) Submission and implementation of a TV Reception Study committing to a pre and post construction assessment with off-site mitigation where necessary;
- xv) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
- xvi) A Site Waste Management Plan; and,
- xvii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- xviii) Agreement of construction vehicle routing.
- xix) Developer shall be responsible for the cost of checking of drawings and construction.

In the event that such an undertaking is not forthcoming within 3 months from the date of this decision that delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure an appropriate mechanism for dealing with the S.106 legal agreement mitigation measures listed above.

(b) the conditions in the report and the amended conditions below:

11 Noise Mitigation and Attenuation

The approved development shall be implemented and completed only in accordance with the recommendations as set out in the applicant’s Noise Assessment dated 28th January 2011. Any mechanical acoustic ventilation fro noise issues from Thomas Lewis Way shall be ventilated from the roof. Notwithstanding these approved details,

unless otherwise agreed in writing by the Local Planning Authority, windows and ventilation systems shall be provided to achieve the sound reduction levels of:

37dB(A) for living rooms overlooking Stoneham Way

42dB(A) for bedrooms overlooking Stoneham Way

37dB(A) for living rooms overlooking Thomas Lewis Way

43dB(A) for bedrooms overlooking Thomas Lewis Way

REASON:

To protect occupants of the student accommodation from traffic and railway noise and to ensure that the amenity of existing residents is not unduly compromised during the implementation phase.

17 Landscaping

Notwithstanding the information submitted with the application (and detailed on the Terrafirma plan 1070-101H) no development shall take place (excluding the demolition and site preparation phase) until full details of both hard and soft landscaping for both the roof terraces, landscape buffers, all car parking and the ground floor courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i. a detailed response to the Council's landscape design comments dated 19th April 2010;
- ii. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins etc);
- iii. external lighting (to include type and luminance);
- iv. 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;
- v. a specification for the approved green/brown/biodiverse wall(s) and roof(s) forming the Thomas Lewis Way wing;
- vi. the provision of a 2 for 1 replacement of those trees to be lost (where practicable). The replacement trees shall be of a heavy standard size (12 - 14cm girth) as a minimum and will be planted within the site or at a place agreed in writing with the Local Planning Authority;
- vi. details of any proposed boundary treatment, including the "art fencing" to the south of the approved semi-public communal courtyard at ground floor level and the retained strip along the building's Thomas Lewis Way frontage; and
- vii. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be

planted at the same place, unless the local planning authority gives its 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.

31 Bird Hazard Management Plan (BHMP) - BAA

Development shall not commence (excluding the demolition and site preparation phase) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport – BAA comments dated 8th March 2011 refer.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development has been revised to increase the level of on-site car parking and restrictions on student car ownership are deemed possible. In light of these changes the impact of the development, in terms of visual and neighbour amenity, highway safety and parking are considered to be acceptable for the reasons detailed in the report to the Council's Planning and Rights of Way Panel on 21st June 2011. Particular account has also been taken of the third party response to the scheme, the quality of the proposed redevelopment proposals, current market conditions and the overall viability of the scheme. 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, and application 11/00204/FUL should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13,, SDP14, SDP15, SDP16, SDP17, SDP19, SDP22, NE7, HE1, CLT5, CLT7, H1, H2, H3, H7, H13, REI6 and TI2 and City of Southampton Core Strategy (January 2010) policies CS4, CS5, CS6, CS10, CS11, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

NOTE: Councillor Osmond declared an interest and withdrew from the meeting for the determination of this item.

14. **BOLDREWOOD CAMPUS, BASSETT CRESCENT EAST, UNIVERSITY OF SOUTHAMPTON 11/00499/FUL**

Erection of a decked car park to provide 165 car parking spaces together with the provision of a surface car park (168 spaces) for use in association with the approved uses of Block A of the Boldrewood campus redevelopment as approved under planning permission reference 08/01097/FUL, and/or in association with the Class D1 university use of the buildings and associated access roads and landscaping.

Mr Reay (Agent), Mrs Cowie, Mr Vashisht, Mr Carter, Mr Cowie (Local residents), Mr Moore, Mrs Wawman (East Bassett 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, Mrs Blatchford, Claisse, Cunio, Osmond and Thomas
AGAINST: Councillor L Harris

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

16 Energy & Water Conservation

Notwithstanding the information submitted with the application, and prior to the commencement of construction works for Car Park 1 (excluding site preparation) hereby approved, the applicant shall submit for approval in writing by the Local Planning Authority, a scheme of measures outlining how the car park will:

- a) minimise its energy and water consumption;
- b) use energy and resources efficiently; and,
- c) safeguard and facilitate the future implementation and utilisation of a campus-wide centralised heating plant (CHP).

Development shall be carried out in accordance with the agreed details and verified in writing by the applicant prior to the first occupation of the development hereby approved.

REASON:

In the interests of maximising the site's contribution towards energy and water conservation.

19 BREEAM Standards – whole Condition to be deleted.

19 Archaeological Investigation

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.

20 Archaeological Work Programme

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

REASON

To ensure that the archaeological investigation is completed.

20 Approved Plans – amended to read Condition 21 (amend numbering to run concurrently).

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The principle of the proposed car park building, and the parking numbers associated with the Lloyds Register and University have already been established by earlier planning permissions. The scheme represents an improvement when compared with the parameters set at the outline stage, and the chosen contemporary design solution is fitting for the site and the recently approved Maritime Centre of Excellence, as detailed in the report to the Planning and Rights of Way Panel on 21st June 2011. 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, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, NE6, L7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by policies CS6, CS11, CS13, CS18, CS19, CS20, CS22 of the adopted Local Development Framework Core Strategy (2010) and the Council's current adopted Supplementary Planning Guidance.

15. 36 TAMARISK GARDENS 11/00608/FUL

Erection of a 2-bed bungalow with associated parking and cycle/refuse storage

Mr Wyles (Agent), Mrs Dicker and Mr Stratford (Local residents) were present and with the consent of the Chair, addressed the meeting.

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

RESOLVED that conditional planning permission be granted subject to amended and additional conditions set out below:

Amended condition

11. Amenity space provision

Prior to any development taking place two things shall occur:-

- (1) The fence currently erected along the line on the attached plan marked a-b shall be taken down.
- (2) The garden area to be given over to the curtilage of 36 Tamarisk Gardens, shown cross-hatched on the attached plan, shall be fenced off from the proposed dwelling and made available to the occupiers of 36 Tamarisk Gardens . Once made available to occupiers of No 36 Tamarisk Gardens for use as part of their private garden, that land shall be retained within the curtilage of No. 36 Tamarisk Gardens at all times thereafter.

Prior to the first occupation of the dwelling hereby approved the amenity space shown to serve it on the site plan and the pedestrian access to it for the proposed dwelling shall be made prior to the first occupation of the new dwelling hereby approved and shall be retained all time times thereafter.

REASON:

To ensure the provision of adequate amenity space in association with the approved dwelling and the existing dwelling at 36 Tamarisk Gardens.

Additional Condition

17. Replacement Tree

The replacement tree for the TPO'd tree previously removed on health grounds shall be planted prior to the first occupation of the dwelling hereby approved.

REASON

In the interests of the visual amenity of the area.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal has addressed the previous reasons for refusal and appeal decision and where appropriate planning conditions have been imposed to mitigate any harm identified. The proposal would be acceptable in character and design terms and not harm the amenities of the neighbouring occupiers. The parking and access arrangements are also acceptable. 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, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

16. **PART OF THE FORMER NEW COLLEGE SITE, CARLTON ROAD / ARCHERS ROAD 11/00350/FUL**

Erection of two residential blocks, part three-storey's, part four-storey's in height to provide 47 dwellings (17 x one-bedroom 12 x two-bedroom and 18 x three-bedroom) with associated parking (30 spaces as amended including 2 for the disabled), access and landscaping.

Mr Reay (Agent), Mr O'Brien (Applicant) and Mr Mullins (Local resident) were present and with the consent of the Chair, addressed the meeting.

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

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

- (a) The completion of a S.106 Legal Agreement to secure the following heads of terms:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & 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. A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & 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);
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with polices CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) regard to
 - Amenity Open Space ("open space");
 - Play Space and;
 - Playing Field.
 - iv. Provision of affordable housing in accordance with Policies CS15, CS16 & 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);
 - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and;
 - vi. The provision of an expressly dedicated public right of way route between the western and eastern site boundaries.

- vii. A training and employment plan.

In the event that the legal agreement is not completed within two months the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report and the amended conditions set out below:

Delete condition 10.

3 Landscaping, lighting and means of enclosure detailed plan

The details set out in drawing 3310-101 Rev A shall be fully implanted as part of the development hereby approved. Further details relating to the following matters shall be submitted before the commencement of any site works, including:

- i. means of enclosure including alterations and making good of existing boundary walls to be retained and measures to be installed at either end of the east – west cycle/pedestrian route between the approved northern and southern blocks to prevent motor-cyclists using that route, but still allow a person pushing a pram/child buggy to traverse that route;
- ii. hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.); and,
- iii. defensible planting to the ground floor private amenity space areas.

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 and any approved details for items i-iii above) 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 Code for Sustainable Homes Residential Development

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1 and at least 1 credit in Wat1 - (informed by the commitment to greywater recycling measures, of surface water run-off from the building and hard surfaced areas

within the site - set out in the applicant's design and access statement), 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 assessment and certificate as issued by a legitimate 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) also having regard to the commitment to greywater recycling given in the applicant's design and access statement.

17 Amenity Space Access

The communal garden areas shown on the site plan, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the flats hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development. The private garden areas, balconies and roof terraces shown on the approved plans shall be provided before the first occupation of each relevant associated dwelling and thereafter retained at all times thereafter.

REASON:

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

(N.B. re-numbered as 17 owing to deletion of Condition 10 set out in recommendation to the report – amend numbering to run concurrently).

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal has addressed the previous reasons for refusal and where appropriate planning conditions have been imposed 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, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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, CS19, and CS20 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

17. **1 GLEN EYRE ROAD 11/00706/FUL**

Erection of a single-storey rear extension and change of use from dwelling house (C3) to house of multiple occupation (sui-generis). Resubmission of planning application.

Dr Coleman (Applicant), Mr Cox and Mrs Wawman (East Bassett 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 PLANNING PERMISSION WAS LOST.

RECORDED VOTE:

FOR: Councillors Jones and Mrs Blatchford
AGAINST: Councillors Claisse, Cunio, L Harris and Osmond
ABSTAINED: Councillor Thomas

A FURTHER MOTION PROPOSED BY COUNCILLOR CLAISSE AND SECONDED BY COUNCILLOR CUNIO "THAT THE APPLICATION BE REFUSED FOR THE FOLLOWING REASONS" WAS CARRIED

Reason for Refusal - Unacceptable Intensification of use

The change of use of the property from a 5 bedroom C4 house in multiple occupation to a 7 bedroom house in multiple occupation (HMO) will result in an unacceptable intensification in the use of the property. This would be to the detriment of the character of the area and the amenity of nearby residents by reason of increased additional general activity/noise/disturbance and taking into account the number of existing HMO's already in the area (cumulative impact). The proposal is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) and (ii) of the City of Southampton Local Plan Review (March 2006) and policy CS16 (3) of the Local Development Framework Core Strategy (January 2010).

RECORDED VOTE:

FOR: Councillors Cunio, Claisse and L Harris
AGAINST: Councillor Jones and Mrs Blatchford
ABSTAINED: Councillor Thomas

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

18. **ARRANGEMENTS FOR PRE-APPLICATION CONSULTATION FOR THE BIOMASS PLANT AT SOUTHAMPTON PORT**

The Panel considered the report of the Head of Planning and Sustainability seeking approval of the proposed arrangements for pre-application consultation, as set out in the revised draft Statement of Community Consultation and Community Consultation Strategy. (Copy of report circulated with the agenda and attached to the signed minutes).

Mr Galton (Local resident) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that:

- (i) the proposed arrangements for pre-application consultation, as set out in the revised draft SoCC and CCS be agreed and reported to the IPC and Helius Energy as acceptable;
- (ii) that the following be included in the list of as part of the consultation process:
- The Inner Zone should include Redbridge and Shirley wards;
 - Solent University, Sustrans, Solent LEP, Hampshire Chamber of Commerce, to be added as stakeholders;
 - All City Councillors to receive an invite to the public meetings as part of the consultation process;
 - Name of Marchwood Ward Councillors to be checked;
 - Councillor Matthews is now Mayor of Southampton;
 - At least 2 weeks notice be given for any public event;
 - All exhibition venues to be fully accessible;
 - Exhibitions to focus on public safety issues;
 - Advertising to be at staggered times in the local press;
 - Events to be staggered over more than a 4 week period;
 - Consultation leaflets to be drafted in consultation with the No Southampton Biomass Group and City Council;
 - All invites and correspondence to provide the correct comment form or weblink to enable easy response.
- (iii) an appropriately scaled model of the existing site and the proposed scheme(s) be made available at each consultation event.

19. **68-70 AND 80-84 PORTSWOOD ROAD 11/00393/FUL**

Redevelopment of the site. Demolition of the existing buildings and erection of three x 4-storey buildings to provide 43 flats (18 x 1-bed, 22 x 2-bed and 3x 3-bed) and 9 x 3-storey houses (2 x 2-bed, 3 x 3-bed and 4 x 4-bed) with associated access, parking and landscaping.

Mr Edmond (Agent), Mr Stout (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 PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT, THE DETAILS OF WHICH TO BE AGREED BY OFFICERS, WAS CARRIED.

RECORDED VOTE

FOR: Councillors Jones, Claisse, Cunio, L Harris, Osmond and Thomas
ABSTAINED: Councillor Mrs Blatchford

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

- (a) The completion of a S.106 Legal Agreement to secure the following heads of terms:

- i. Financial contributions towards site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & 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. A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & 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);
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to
 - Amenity Open Space (“open space”);
 - Play Space and;
 - Playing Field.
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & 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);
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- vi. The submission of a lorry routeing plan including the timing and routes for construction traffic;
- vii. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- viii. The restriction of parking permits for the surrounding streets for the future occupants of the development and;
- ix. The consultation and implementation of a Traffic Regulation Order to prevent parking in the new access road and adjacent to the site entrance to ensure a refuse vehicle can turn on site.
- x. Submission and implementation of a Waste Management Plan.

That the Planning and Development Manager be delegated powers to vary relevant parts of the Section 106 agreement and to add or vary conditions as necessary as a result of further negotiations with the applicant.

In the event that the legal agreement is not completed within two months the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

(b) the conditions in the report and the amended condition set out below:

3 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 to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate, including defensible planting/privacy screening to the ground floor private amenity space areas including to the rear elevation of 78 Portswood Road;
- 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

REASONS FOR DECISIONS

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the

amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

20. **88-94 PORTSWOOD ROAD 11/00313/FUL**

Redevelopment of the site to provide 7 flats (1 x 3-bed, 1 x 4-bed and 5 x 5-bed) with 2 ground floor lettings agents (Use Class A2) and 2 x 5-bedroom houses in three and four storey buildings following demolition of the existing buildings. Residential units to be either use class C3 (single family dwelling) or use class C4 (House in Multiple Occupation).

Mr Edmond (Agent), Mr Stout (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 PLANNING PERMISSION SUBJECT TO THE APPLICANT ENTERING INTO A SECTION 106 AGREEMENT, THE DETAILS OF WHICH TO BE AGREED BY OFFICERS, WAS CARRIED

RECORDED VOTE

FOR: Councillors Jones, Mrs Blatchford, Osmond and Thomas
AGAINST: Councillors Claisse, Cunio and L Harris

RESOLVED that authority be delegated to the Planning and Development Manager to grant planning approval subject to the completion of a S106 Legal Agreement, the details of which to be agreed by officers in light of the submitted viability appraisal:

- (a) The completion of a S.106 Legal Agreement to secure the following heads of terms:
 - i. Financial contributions towards site specific highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & 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. A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & 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);

- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) with regard to
 - Amenity Open Space (“open space”);
 - Play Space and;
 - Playing Field.
- iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- vi. The restriction of parking permits for the surrounding streets for the future occupants of the development.
- vii. Submission and implementation of a Waste Management Plan.

In the event that the legal agreement is not completed within two months the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

- (b) the conditions in the report and the amended and additional conditions set out below:

Amended Condition

4 Code for Sustainable Homes

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes, including at least 15% in category Ene1, 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 assessment and certificate as issued by a legitimate 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).

Additional Conditions

25 Access to Dwellings

The ramped pedestrian access to the dwellings to the rear of the site shall be provided in accordance with the plans hereby approved before the development first comes into

occupation. Before the development is first brought into occupation, the access path shall be lit, surfaced and secured in accordance with details to be submitted to the Local Planning and agreed in writing and retained in accordance with these details thereafter, unless otherwise agreed in writing.

REASON:

To provide a satisfactory residential environment

26 Privacy Screens

Prior to the development first coming into occupation, privacy screens to the upper level roof terraced shall be installed in accordance with details to be agreed by the Local Planning Authority in writing. The screens shall thereafter be retained as approved.

REASON:

In the interests of the privacy of the occupiers of the neighbouring mosque.

REASONS FOR DECISION

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 21.06.11 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and 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), PPS3 (Housing 2010) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

RE: Southampton City Gateway

Advice

Introduction

1. I am asked by Planning Potential, who act as planning consultants to Bouygues Development, to advise in connection with an application for planning permission (Planning Application 11/00204/FUL) for the redevelopment of a brownfield site for a mixed use development comprising a three to fifteen storey building to accommodate 53 cluster flats, 4 x 2 bedroom flats; 12 x 1 bedroom flats for 368 students; a medical centre; retail units and community use in Swaythling, Southampton. Southampton City Council (“the Council”) resolved to grant planning permission for this scheme on 21 June 2011 subject to agreement to the Heads of Terms of a draft s.106 agreement. That agreement contains clause 6 (set out in full below) which seeks to prohibit car use by student residents at this site. I am asked to advise on, in particular:
 - a) the lawfulness of clause 6 of the draft s. 106 agreement; and;
 - b) the prospects of success on appeal assuming no agreement is reached between the parties.

Material Background Facts

2. In early 2010, Bouygues Development, the applicant, submitted its application for the mixed use development described above. The application came before the Council’s planning committee on 24 May 2011. The Officer’s Report (“the May report”) to committee stated that the proposal was “considered to provide substantial positive regeneration benefits to the Swaythling Local Centre” (paragraph 3.2) and was supported by a number of key development plan policies. A material consideration in determining the application was the fact that the Council had recently determined two applications for development at the application site favourably ((08/00081/FUL) and (08/01489/FUL) (which remains extant)).
3. Nevertheless, the May Report recommended refusal. The Council’s Highways officer objected to the scheme on the grounds that it provided insufficient on-site parking to meet the traffic generated by its various uses for retail, the medical centre and

residential purposes. There was a consequent risk of overspill parking onto neighbouring streets which, it was claimed, would have harmful impacts on highway safety and local amenity. In particular the Highways Officer drew attention to the applicant's Transport Assessment which stated that there was a potential demand for 42 students cars to park their cars [see Appendix 5; the May Report at 6.27-6.28; the applicant's Transport Assessment Addendum March 2011 paragraphs 2.33-2.47]. The original application provided 24 parking spaces. This figure was revised upwards during the application process to 36 spaces. 36 spaces was, however, regarded as insufficient by highway officers.

4. The Committee resolved to defer their decision on the application to allow officers to reconsider a revised Transport Assessment and parking allocation produced by the applicant's new consultants WSP. The revised scheme provided for 44 parking spaces on-site and on Parkville Road, the entrance road to the application site. Officers considered that the 44 parking spaces provided adequate provision for the non-residential uses proposed for the site. However officers considered that there was need for a mechanism to control the potential for parking overspill generated by the residential student use. This was proposed to be achieved by preventing students from bringing cars to Southampton.
5. On 21 June 2011, the Council resolved to grant planning permission subject to securing agreement on the s.106 agreement. The Planning Committee delegated authority to officers to negotiate the Student Car Ownership clause of the s. 106 agreement. Following Member's resolution Officers issued instructions to their solicitor and they have produced Clause 6 of the draft s.106 agreement. This provides:

"A Student Car Ownership Restriction as part of any student contract of tenancy shall be agreed and imposed to ensure that no student shall be entitled to park on the land.

Upon the offer of the [university] place a clear written statement shall be given to the students detailing the implications for their tenancy in the event that they are found to have a car. All student contracts to include the agreed penalty clause wording to the effect that they shall not bring a car to Southampton whilst living at City Gateway and will be evicted if found to have done so. This will be enforced by the landowner upon receipt of valid evidence.

The landowner will ensure that a relevant contact number is available to facilitate the report of breaches to this obligation can be reported to the landowner [sic].

In the event that evidence is provided by residents or the City Council that a resident has access to a car they will be given a warning followed by eviction in the event that the car is still available. In the event that no enforcement is taken by the landowner (to either the evidence provided or the eviction notice) within the agreed timescales a breach of planning will have occurred and a financial penalty will be payable, equivalent to one years rent, to mitigate development overspill parking issues, payable within a timescale to be agreed with the City Council.” (emphasis added)

The lawfulness Clause 6

6. Clause 6 effectively requires the landowner to prohibit student residents’ car use through its tenancy agreements with students. The prohibition is achieved through three mechanisms:

- a) A warning to any student who uses their car in Southampton;
- b) Followed by eviction from the student residence (“the eviction clause”); and
- c) Where there has been failure by the landowner to evict, a requirement that the landowner pay a financial penalty worth 1 years student rent (“the financial penalty”).

7. The lawfulness of Clause 6 must be tested against the relevant legal framework. The Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regs) have since 6 April 2010 introduced a new legal framework for the consideration of planning obligations. Regulation 122(2) of the CIL Regs states:

“(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.”

8. All three limbs of the test must be complied with (see *R(on the application of Bleaklow Industries Ltd) v Peak District National Park Authority and Glebe Mines Ltd*

[2006] EWHC 2287 (Admin). The planning obligation must be reasonable in all other respects. Regulation 122 does not automatically render obligations which offend the three principles unlawful. Its effect is that where a planning obligation does not comply with any of the three tests, the obligation cannot constitute a material consideration weighing in favour of granting planning permission.

9. The question of whether Clause 6 is reasonable and complies with the tests laid down in the CIL Regs is not merely a question of law but whether, on applying the evidence available, the tests are satisfied. The central issue is whether the clause is necessary and reasonable to address the identified harm which it is designed to remedy. Eventually, on appeal, an Inspector must consider whether the harm caused by the development, taken together with the section 106 obligation offered to mitigate the harm nevertheless still justifies the refusal of planning permission all things considered.
10. To begin, it is necessary to specify the nature and extent of the harm which clause 6 purports to address. The anticipated impact of overspill parking from the student and non-student users of the site on neighbouring streets was the basis for the Highway Officer's initial objection to scheme.
11. In respect of non-student parking, that objection was overcome by the revised parking scheme which increased the number of on-site parking spaces from 36 to 44 spaces. As a consequence of that revision, the WSP traffic assessment concluded that there would not be any remaining overspill parking from the development. That conclusion was, however, premised on the assumption that there would be a prohibition on the use of cars by students.
12. In respect of the potential for student overspill parking the applicant's Transport Assessment Addendum (dated March 2011) sought to assess the levels of student car use. The assessment's practical estimates of use were based on unconstrained car ownership potential at different universities [page 10 at 2.35]. After examining data for a number of student residencies the consultants concluded that car ownership for students was lower than for other groups and there was less car ownership among students living in halls of residents than in private housing. Taking an average across different universities (and excluding outliers) the level of unconstrained car ownership was assumed to be 11% among students. That gave rise to a potential demand for 42 cars at the application site. The assessors stressed that this prediction was not intended as a realistic forecast of car parking demand but

“represents an indication of pragmatic worst case demand, where all constraints and restrictions to ownership...[are] ignored” [see 2.47].

13. It is therefore reasonable to conclude that the worst case scenario where student car use is wholly unrestricted is a potential overspill of 42 cars. I am instructed that the applicant has indicated that it is content with requiring a prohibition in the tenancy agreement but is reluctant to include a requirement of eviction as the proposed end user – Southampton University - has indicated that they would not accept student accommodation that contained this requirement.

14. The applicant’s highway experts, WSP, in their Transport Assessment dated May 2011, which is specifically directed at considering this matter concluded (at page 22 at para. 5.3.17) that:

“There is no explicit parking provision for the student accommodation and it is proposed to prohibit the use of cars by students living in the accommodation. In reality, this should substantially reduce parking demand for the student accommodation”

15. Reading the conclusions of the two transport assessments together, it is clear that where there is a prohibition against student parking (for example, stated in the student’s tenancy agreement and combined with the lack of any on-site student parking) the figure for student car use will be far less than the “worst-case” figure of 42 student car users. Thereafter the real figure of users, who will contribute to overspill parking is likely to be small, and no more than a handful of students.

The eviction clause

16. Therefore the eviction clause targets the small number of potential students who are determined to ignore the prohibition on car use in the tenancy agreement. It is notable, however, that other recent examples of s.106 agreements involving this Council in connection with student housing indicate that up until this application eviction clauses have not been deemed necessary to secure the desired outcome of reducing parking demand. This reinforces the views of WSP that once the prohibition is in place the vast majority of those who might have brought a car (i.e. the worst case scenario of 42) will not in fact do so.

17. As I have already mentioned the University of Southampton has said that whilst it is content for there to be a prohibition on car use in a tenancy agreement it is not prepared to contemplate the requirement for an eviction if a student were to bring a car into Southampton and that it would not accept accommodation that required

that. This indicates that the inclusion of any such clause could hinder the deliverability of the applicant's scheme. Furthermore I am of the view that the University have a point. The requirement to evict allows no discretion whatsoever and therefore fetters the University's discretion. It is also likely to be discriminatory against students with disabilities. It fails to allow for or address the student who may for very good reason need to rely on a car due to disability or other reasons. In my view a tenancy agreement which allowed the option for eviction, but not a requirement for it, could equally serve the purpose of addressing the harm of the persistent offender who for no good reason uses his or her car, which in any event is likely to be small, but allows for the student who has a good reason or need to use a car.

18. Confronted by a prohibition on student car use and the potential of eviction it seems unlikely that many students will insist on using their cars. The harm caused by those persistent offenders who insist on breaching the rules by parking in surrounding streets is likely to be minimal and in any event needs to be weighed against the much needed and substantial regeneration benefits to this part of Southampton which all agree will be delivered by the scheme. A refusal of planning permission by the Council on the insistence that a *requirement*, (rather than an option), to evict, be included in the s.106 obligation is, in my view, unreasonable given that there are no other matters of dispute. On applying the tests set out in the CIL regulations it can strongly be argued that the requirement to evict is not necessary to make the development acceptable in planning terms and not fairly or reasonably related in scale or kind to the development. For the reasons I have already given it is also potentially ultra vires.
19. In my view, the prospects of success on appeal, where a requirement, rather than an option, to have an eviction clause in the 106 obligation constituted the only justification for refusal would be very good indeed and probably at around 70%. In fact it is likely that such a reason for refusal could be characterised as unreasonable giving rise to a successful application for costs.
20. I therefore advise that an amendment to the draft Clause 6 be put forward. Rather than automatically requiring eviction following a single warning the tenancy agreement would include an *option to terminate* the tenancy upon discovery that the student had been using a car in Southampton. This would seem to be a more reasonable approach to remedying the actual, relatively minimal harm which is likely to be generated by the scheme in terms of student parking demand, would accommodate the University's concerns, would not fetter their discretion, would be lawful and would ensure that the substantial regeneration benefits are realised.

Financial Penalty

21. Furthermore, in my view, the financial penalty in Clause 6 is unreasonable and does not comply with three CIL tests. The clause states that its purpose is to “mitigate development overspill parking issues”. However, it not clear how the financial penalty addresses the harm caused by student car ownership. Nothing is said about what the money is being collected for or what the equivalent of 1 years rent might pay for. The clause appears to be in the nature of a penalty against the landowner rather than being necessary in planning terms or addressed at the specific harm in question.
22. Since the financial penalty is not necessary to remedy the harm of the overspill it does not constitute a reasonable/lawful planning obligation.
23. The Council’s reason for including the threat of financial penalty is that without such a sanction it is concerned that the landowner might not evict offending students. However for all the reasons I have explained above I do not consider that the requirement for eviction is either necessary nor reasonable.
24. Moreover, there is a danger that the retention of the financial penalty clause could threaten the viability of the scheme. I am instructed that potential funders of the scheme are unwilling to accept this clause. This threat to the financing of the scheme also means that the substantial regeneration benefits of the scheme would not be delivered. I consider that if the financial penalty clause is insisted upon by the Council, this would be unlawful and unreasonable. The applicant’s prospects of success on appeal are substantial as is an award of costs.

Conclusion

25. For the reasons given above, I consider it would be unreasonable for the Council to refuse planning permission on the basis that the s.106 agreement must retain a *requirement* to evict following discovery of student car use. Given the balance between the small scale of the harm and the substantial regeneration benefits of the scheme, which would be lost were the application refused, the Council’s insistence on the mandatory eviction clause is unreasonable and unjustified. An amendment to provide for an option to terminate would be a reasonable, appropriate and proportionate course to pursue.

26. In respect of the financial penalty, that provision fails to comply with the CIL Regs 2010 in that it is neither necessary nor reasonably related in scale or kind to the development.
27. In relation to costs, a planning authority which seeks a planning obligation that does not comply with regulation 122(2) of the 2010 CIL regulations (and with guidance in circular 05/2005) is at risk of costs. Where an appeal raises the question of whether a planning obligation is justifiable or not, it is usually approached on the basis that the local planning authority bears the initial burden of demonstrating how the obligation it requires is justified by relevant policy and evidence, in accordance with circular 05/2005. For the reasons I have explained I consider the council would struggle to do this.
28. Circular 05/2005 itself advises that the Secretary of State will consider “sympathetically” applications for costs made by a party to an appeal on the basis that an unreasonable obligation has been sought (circular 05/2005, paragraph B57).
29. For the reasons I have set out above I consider that the applicant, in relation to both the eviction clause and the financial penalty clause, would have good prospects of success on appeal and a good prospect of recovering its costs.

SUZANNE ORNSBY

FRANCIS TAYLOR BUILDING

TEMPLE

LONDON

21 JULY 2011

Agenda Item 7

**Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 27 September 2011
Planning Application Report of the Planning and Development Manager**

Application address: Unit 10 Stanton Industrial Estate Stanton Road SO15 4JA			
Proposed development: Single storey rear extension facing Mill Road.			
Application number	11/01199/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	08.09.2011	Ward	Millbrook
Reason for Panel Referral:	Referred by Cllr Moulton and Cllr Wells	Ward Councillors	Cllr Wells Cllr Furnell Cllr Thorpe

Applicant: Inprint	Agent: George Tutte And Associates
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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 affect which the proposal will have on the economic viability of the site, the potential for employment to continue at the site have been taken into account. Impact to the character of the area, parking, and neighbouring amenity 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 proposal, however, is not considered to be a significant departure from the Local Plan's allocation of the site for housing, as the proposal is a modest scale extension to an existing B2 use and therefore will not compromise the future development potential of the site to residential. 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, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and Policy CS6 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The proposal site lies within the Stanton Road Industrial Estate. The main access to the site is achieved from Stanton Road. However the site can also be accessed by staff through unit 10 from Mill Road. Both Mill Road and Stanton Road are predominantly residential streets as are other streets that surround the Industrial Estate.
- 1.2 Where the single storey extension is proposed there are residential properties close by. Number 6 Mill Road neighbours the site and 1, 1a, 3 and 5 Mill Road are opposite. The surrounding industrial uses are within the B1(b), B1(c) and B2 use classes. The application site is currently operating within the B2 use class.
- 1.3 There are no parking permit zones identified within the surrounding streets.
- 1.4 To the rear of the industrial unit there is adequate space for the parking of five vehicles which can be accessed from Mill Road. Within the internal court yard, which serves approximately 6 units, there is the opportunity to park approximately 20 vehicles depending on external storage requirements of those units.
- 1.5 Within the rear elevation of the Industrial Unit (Number 10) there is a pedestrian entrance and also a set of double doors which facilitate the loading and unloading of vehicles, albeit deliveries of raw materials and the dispatch of finished product is generally via Stanton Road owing to the weight of materials and the lack of a licence to operate a fork lift truck in Mill Road. The firm currently operates in two shifts during the day – 06.00-14.00 and 14.00-22.00 hours.

2.0 Proposal

- 2.1 The application unit is currently operated by 'In Print' who also operate out of unit 4. The proposal aims to replace four of the five parking spaces to the rear with a single storey rear extension of modest scale (5.5m projection x 9.9m wide floor area and 5m above pavement level). There will be a minimal setback from the back edge of the pavement. 3 x rendered panels will be set into the brick elevation fronting Mill Road.
- 2.2 One parking space would be retained to Mill Road. Between that and the extension there would be a 0.9m gap, leading to a stepped pedestrian fire escape door and past a set of double doors in the western flank of the extension. These doors have been incorporated to allow the delivery and removal of plant from the building and there is no intention to take deliveries through those doors, nor to dispatch finished goods from them either.
- 2.3 The extension would enable a laser printing machine to be relocated within the extension to facilitate more efficient internal arrangements and accommodate a cutting machine to be operated alongside the laser printer, which produces large banners.

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 The site is designated for housing on the Proposals Map to the adopted Local Plan Review by Policy H1. The proposal, however, is not considered to be a significant departure from the Local Plan meriting statutory advertising, as the proposal is a modest scale extension to an existing B2 use and therefore will not compromise the future development potential of the site to residential.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 Prior to 1975 our records illustrate that all, or at least most of, the industrial estate was occupied by a Carpet factory.
- 4.2 The Local Planning Authority do not hold any specific information with regard to the individual site however it should be noted that planning permission would not have been required for the conversion of a carpet factory to printing works.

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 and erecting a site notice (28/07/2011). At the time of writing the report 9 representations have been received from surrounding residents (including 3 councillors).

Summary of Comments:

- Parking [residents' parking spaces (on-street) being occupied by employees].
- Noise.
- Door opening onto the pavement.
- Loading from pavement.
- Overlooking.
- Overshadowing.
- Loss of light.
- Overdevelopment of the site.

The above comments raised by objectors are addressed below in section 6.

- 5.2 **SCC Highways** - Cars not to overhang the highway during deliveries.
- 5.3 **SCC Environmental Health (Pollution & Safety)** - No objection.
- 5.4 **SCC Planning Policy Team** – No Objection.

6.0 Planning Consideration Key Issues

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

- Principle of Development.
- Business expansion during economic recession
- Impact on parking and highway safety.
- Impact on residential amenity.

6.2 Principle of Development

6.2.1 The scale of the proposal is insignificant in comparison with the scale of the Industrial Estate and as such the development proposal would not compromise the ability of the site to be redeveloped in the future to provide housing in accordance with the designation within the local Plan. The local plan designation does not prevent the determination of the scheme on account of being contrary to policy.

6.2.2 The business operating out of unit 10 (In-print) has approximately 24 employees. The development would enable the layout of the industrial unit to change so that the site can be used more efficiently and the Council is supportive of encouraging businesses, subject to other considerations (considered below).

6.3 Impact on parking and highway safety.

6.3.1 The proposal will result in the loss of four parking spaces to the rear therefore there is the potential for up to four vehicles to need to be accommodated elsewhere as a consequence of the development.

6.3.2 The Local Planning Authority have no policies with the Local Plan Review or Core Strategy which prevent the loss of car parking spaces for such a site. Parking in the surrounding streets is not managed by parking permit zones giving an indication that parking is not a serious problem in the area.

6.3.3 The additional parking which may need to be accommodated elsewhere will be four extra vehicles being parked in nearby streets and while it is accepted this may cause a little inconvenience for some residents nearby, this is a small increase in the number of cars parked in nearby streets during the day.

6.3.4 The Highways Officer is satisfied that harmful overspill of parking into the surrounding streets will not occur. As such it can be concluded that significant nuisance to neighbours not being able to park close to their homes will not occur and in addition the potential of four additional cars being parked on surrounding streets will not adversely affect highways safety.

6.3.5 The applicant receives deliveries via the common courtyard leading to Stanton Street. Whereas double doors are to be re-provided in the western flank in view of No. 6 Mill Road, this is to facilitate the delivery of new machinery and the applicant is happy to entertain a condition preventing the delivery of raw materials and the dispatch of finished product from the new doors. This will safeguard the amenities and outlook of neighbours.

6.4 Impact on residential amenity.

6.4.1 The scale of the development is acceptable and harm to neighbours in terms of visual amenity, increased overshadowing or loss of outlook are not foreseen. It is noted that the 45 degree outlook from habitable room windows serving number 6 Stanton Road will not be affected by the proposal.

6.4.2 The scale, mass and bulk of the extension are acceptable and the proposals are not considered to be an overdevelopment of the site.

6.4.3 The operational hours of the business are not restricted at present by planning conditions.

7.0 Conclusion

7.1 No significant harm is identified arising from these modest proposals which will allow a business contributing to the local economy to remain competitive and operate more efficiently.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, 1b, 1c, 1d, 2b, 2d, 2e, 4f, 4l, 6c, 7a, 7f, 7y,

MP3 for 27/09/11 PROW Panel

PLANNING CONDITIONS

CONDITIONS for 11/01199/FUL

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION - Hours of 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.

04. APPROVAL CONDITION, Keep doors closed - [Performance Condition].

All work within the extension hereby approved shall only be undertaken whilst all doors and windows on the south and west elevations of the extension are closed unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To limit noise breakout and protect the amenities of occupiers of nearby residential properties.

05. APPROVAL CONDITION - Servicing restriction [Performance Condition].

All finished goods and all deliveries of raw materials shall be via Stanton Road. At no time shall raw materials be delivered, nor goods be dispatched via the double doors in the west elevation of the extension hereby approved.

REASON:

To limit the disturbance caused to nearby residents, especially occupiers of No. 6 Mill Road.

06. APPROVAL CONDITION, Vehicles not to overhang pavement - [Performance Condition].

No vehicles (whether parking on site or delivering equipment associated with the business) shall park so as to overhang the pavement/encroach onto or overhang the public highway at any time

Reason:

In the interests of highway safety

POLICY CONTEXT

Core Strategy - (January 2010)

CS6 Economic Growth
CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance

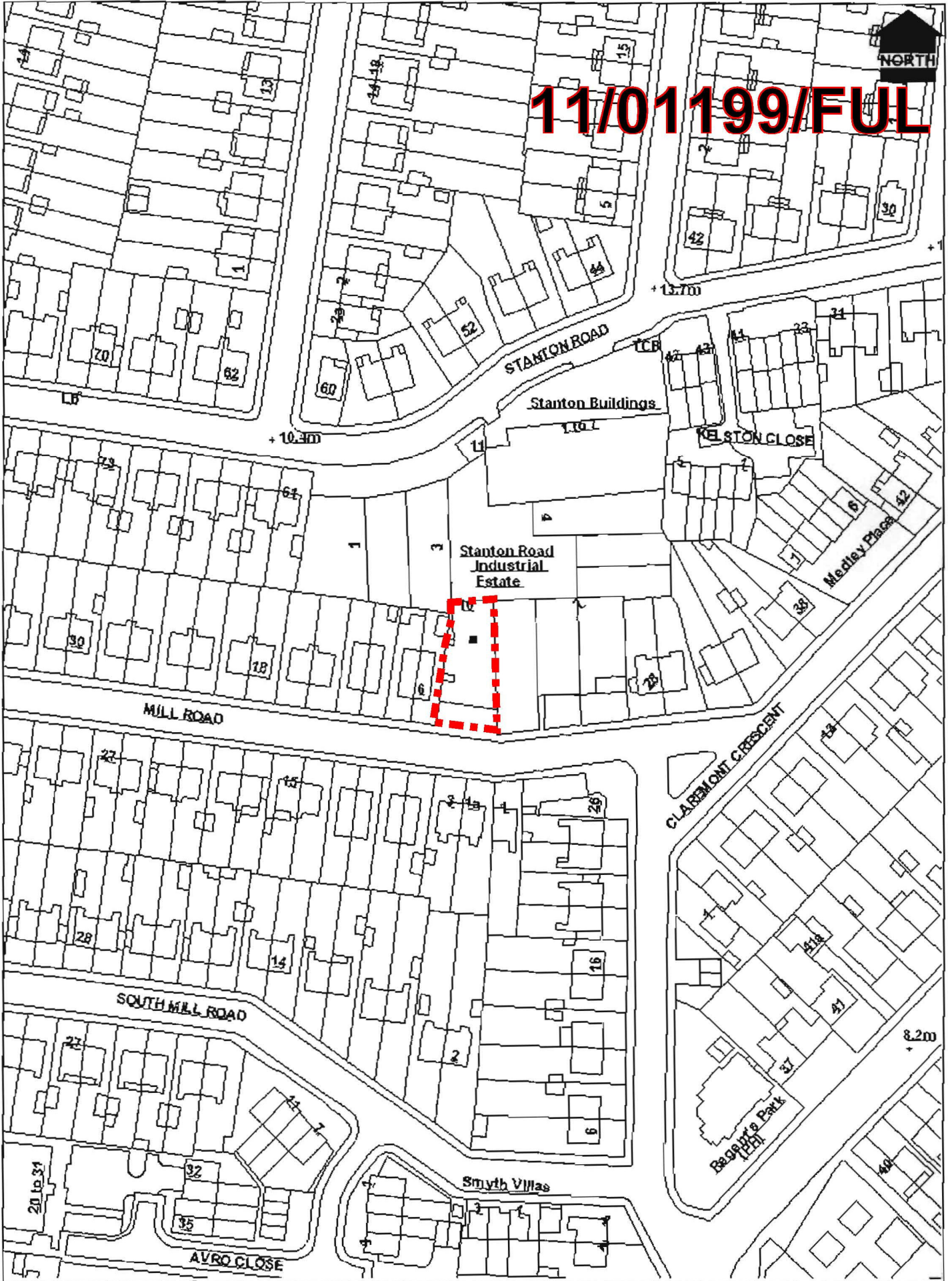
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth
(December 2009)
PPG24 Planning and Noise (October 1994)

11/01199/FUL



Scale : 1:1250

Date 15 September 2011

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Agenda Item 8

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 27 September 2011
Planning Application Report of the Planning and Development Manager

Application address: 15 b Brookvale Road			
Proposed development: Loft conversion to first floor flat including 2 flat roof dormers.			
Application number	11/00849/FUL	Application type	FUL
Case officer	Jagdeep Birk	Public speaking time	5 minutes
Last date for determination:	22 July 2011	Ward	Bevois
Reason for Panel Referral:	Referred by the Planning & Development Manager	Ward Councillors	Cllr Barnes-Andrews Cllr Burke Cllr Rayment

Applicant: Mr F Ahmed	Agent: Design And Draw
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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 proposed extension is not considered to be harmful to the appearance of the host dwelling nor harmful to the character of the surrounding area. Furthermore, no harm would result to the amenities of the neighbouring occupiers. 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.

Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site lies on a mainly residential street characterised with 2-3 storey properties of varying style and mix. The northern facing roof slope where the two dormer windows are proposed faces toward Westwood Road. The adjoining block of flats in Westwood Road (David Lockhart Court) is 4 storeys high and contains a number of windows looking obliquely towards the roofslope where the dormer windows are proposed.

- 1.2 The property is part of a two storey development where a block of six flats was constructed fronting Brookvale Road with associated garage court accessed from Westwood Road. 15 a (the ground floor flat underneath the application property) has a separate garden to 15 b, both accessed via a lockable side gate.
- 1.2.1 There are no records to indicate that the property is operating as a house in multiple occupation (HMO). A recent site visit concluded there was no evidence of such a use, it currently being occupied by a young couple and their infant child.

2.0 Proposal

- 2.1 The application for the construction of two flat roofed dormer windows to create an additional floor by the conversion of the loft space, to provide 2 bedrooms and a bathroom. If approved and implemented, this self-contained maisonette would comprise four bedrooms, two bathrooms a kitchen and a lounge.

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 Policies generally seek to safeguard the amenity of the city and its citizens, achieving high quality design, to integrate into the local context, in terms of the scale, massing and appearance of proposals.
- 3.3 These aspirations are supported by the guidance in the Council's Residential Design Guide. Section 2 of the Guide sets out standards for extensions to existing homes, to ensure that the access to natural light, outlook and privacy for existing occupants and their neighbours is protected (paragraph 2.2.1 - 2.2.23 refers). Furthermore, paragraph 2.5.4 specifies design principles that should be followed. Dormer windows should be kept below the ridge and away from the verges and eaves line of the roof. Dormers should not visually dominate the existing roof, materials should match the existing.
- 3.4 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 Planning permission was granted for the erection of a block of six flats and garages in 1964; 1260/56 refers.

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. At the time of writing the report 2 representations have been received from surrounding residents and Cllr Vinson requested that the application should be considered by the Panel.

- 5.2 The design of the flats do not lend themselves for loft conversion and claiming the roofspace is jointly owned between all the original six flats.
- 5.3 The overlooking will not be worse than what is currently experienced by existing properties.
- 5.4 Increased size of the property will make the building look disproportionate.
- 5.5 The property already operates as a HMO and the proposal will cause further intensification as there is insufficient parking.

These concerns are addressed below.

6.0 Planning Consideration Key Issues

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

- Principle and impact on the character of the area;
- Impact on residential amenity.

6.2 Principle of Development and impact on character

- 6.2.1 Properties along Brookvale Road vary in style and design. The property is not located in a conservation area and therefore not afforded the same status level of protection as a property in a conservation area. Heavy tree cover also largely masks the visual impact of the proposed dormer windows. The trees on the site boundary turning the corner from Brookvale Road into Westwood Road are also protected by a Tree Preservation Order.
- 6.2.2 The dormer will be visible from Brookvale Road and Westwood Road, but dominance of David Lockhart Court when viewing the property from Brookvale Road will minimise the visual impact of the dormers. Views from Westwood Road will be limited due to the considerable setback of the property.
- 6.2.3 The change to the roof profile is considered acceptable in appearance and does not poorly relate to the original building as the adopted design has retained the subordinate nature of the rear section of the building.

6.3 Impact on residential amenity

- 6.3.1 The new dormer windows will look across the flats' own garage court towards Westwood Road. As well as the protected tree canopies preventing interlooking between properties, the face of the next nearest directly opposite property at 63 Westwood Road is some 52m away, across a public street. Whereas there are some windows in the flank of David Lockhart Court, the new dormer windows would be set very obliquely against the plane of those windows. As such, claims of people being overlooked and their privacy compromised is simply not borne out

on site.

- 6.3.2 Legal issues pertaining to joint ownership of roofspaces across the 6 originally built flats are separate civil considerations and not a material planning consideration.

7.0 Conclusion

- 7.1 The proposal is judged not be harmful to the surrounding character and amenity of the local area.
- 7.2 If approved and the owner wishes to place more than 6 people in the property, that will constitute a material change of use to a sui generis HMO for which a further planning application will need to be made. An informative can be placed on any favourable decision notice issued to this effect. Occupation of an enlarged dwelling by 3-6 unrelated people is currently permitted development for a change from use Class C3 to use Class C4.

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

1. (a), (b), (c), (d), 2. (b), (d), 4 (f), 6 (c), 7 (a), (e) and 10 (a), (b).

JB4 for 27/9/11 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

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

Reason:

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

03. APPROVAL CONDITION: Approved Plans

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

Reason:

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

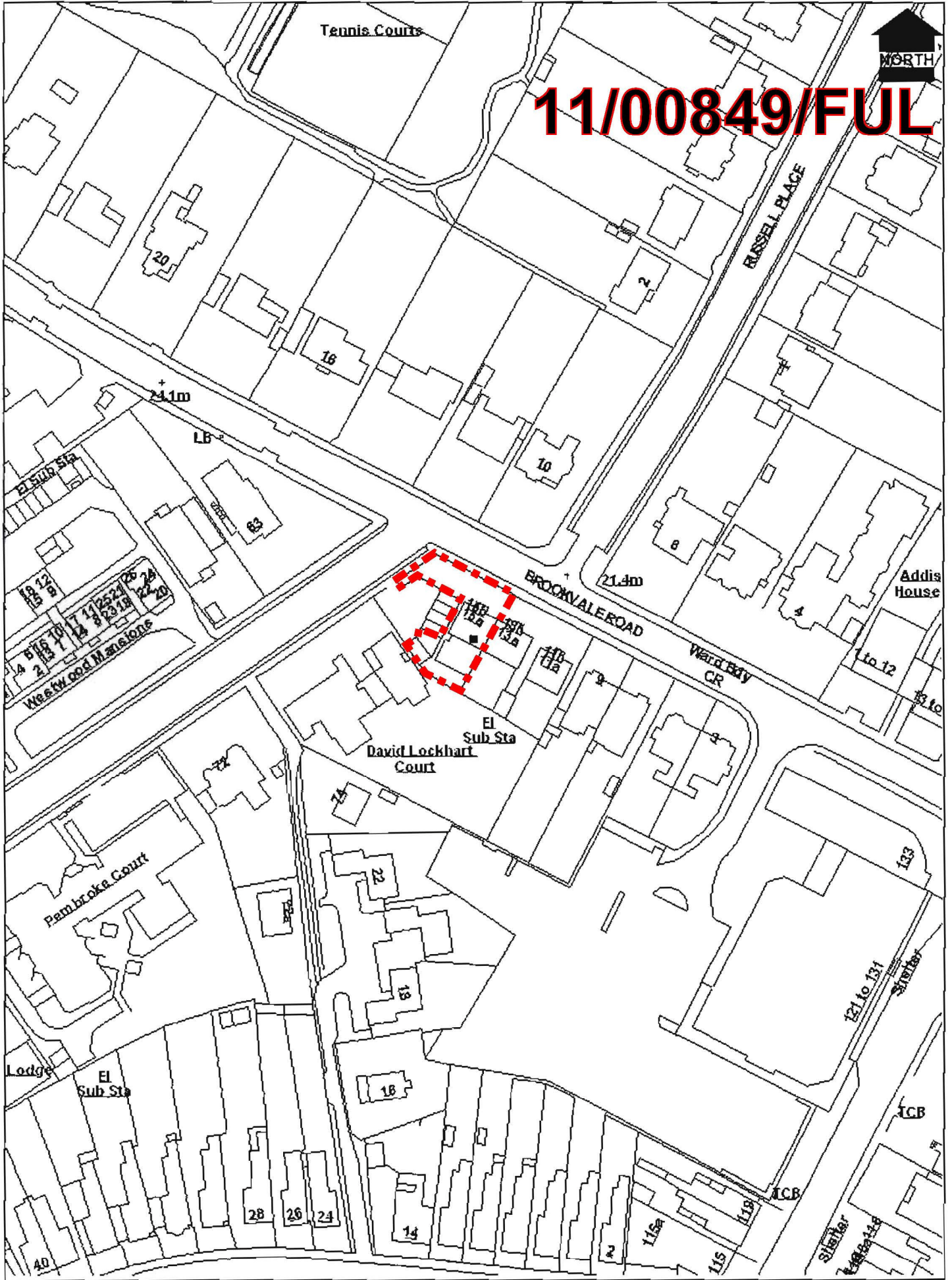
SDP1 Quality of Development
SDP7 Context
SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)
PPS3 Housing (November 2006)



11/00849/FUL

Scale :

Date :

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