

# Planning and Rights of Way Panel

Tuesday, 17th January,  
2012  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Conference Rooms 3 and 4 - 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**

| <b>2011</b>         | <b>2012</b>            |
|---------------------|------------------------|
| <b>24 May 2011</b>  | <b>17 January 2012</b> |
| <b>21 June</b>      | <b>14 February</b>     |
| <b>19 July</b>      | <b>13 March</b>        |
| <b>16 August</b>    | <b>17 April</b>        |
| <b>6 September</b>  |                        |
| <b>27 September</b> |                        |
| <b>25 October</b>   |                        |
| <b>22 November</b>  |                        |
| <b>20 December</b>  |                        |

## 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 20<sup>th</sup> December 2011 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEMS TO BE HEARD BETWEEN 9:30 AM TO 11:00 AM**

### **5 ADMIRALS QUAY, OCEAN WAY, OCEAN VILLAGE 11/01555/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 11:00 AM TO 11:30 AM**

### **6 FORMER DILLONS GARDEN SHEDS SITE, OLD REDBRIDGE ROAD / 11/01506/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 11:30 AM TO 12:00 PM**

**7 45 THE PARKWAY, SO16 3PD 11/01855/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.

**MAIN AGENDA ITEMS TO BE HEARD FROM 12.00 PM**

**8 ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT**

Report of the Planning and Development Manager regarding an unauthorised change of use in respect of 141 Burgess Road, attached.

**9 PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT**

Report of the Head of Planning and Sustainability providing an annual update on the main activities of the Council's Rights of Way function, attached.

Monday, 9 January 2012

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 20 DECEMBER 2011

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Present: Councillors Jones (Chair), Claisse (Vice-Chair), Cunio, L Harris, Osmond, Thomas and Letts  
Apologies: Councillor Mrs Blatchford

75. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Letts was in attendance as a nominated substitute for Councillor Mrs Blatchford in accordance with Procedure Rule 4.3.

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

**RESOLVED** that the Minutes of the Meeting held on 22<sup>nd</sup> November 2011 be approved and signed as a correct record.

77. **OBJECTION TO THE IMPLEMENTATION OF A TREE PRESERVATION ORDER AT 36 ARCHERS ROAD**

The Panel considered the report of the Head of Street Scene and Community Safety in respect of an objection received to the Southampton (Archers Road) TPO 2011 regarding the protection of four individual trees: Cedar T1, Copper Beech T2 and T3 and Ash T4. (Copy of the report circulated with the agenda and attached to the signed minutes).

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO CONFIRM THE SOUTHAMPTON (ARCHERS ROAD) TREE PRESERVATION ORDER 2011 FOR THE REASONS SET OUT IN THE REPORT WITHOUT MODIFICATIONS WAS CARRIED UNANIMOUSLY

**RESOLVED** that the Southampton (Archers Road) Tree Preservation Order 2011 be confirmed without modifications.

78. **REQUEST FOR THE REMOVAL OF SEVEN OAK TREES ON SOUTHAMPTON CITY COUNCIL LAND ADJACENT 28 LORDSWOOD GARDENS**

The Panel considered the report of the Head of Street Scene and Community Safety in respect of an application for the removal of seven oak trees on Southampton City Council land adjacent to 28 Lordswood Gardens, protected by existing Southampton City Council policy, ratified in 1982 (ref 273). (Copy of the report circulated with the agenda and attached to the signed minutes).

Mr Williams and Mr Ruberry (Local Residents) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO SUPPORT THE EXISTING POLICY AS RATIFIED IN 1982 WAS CARRIED UNANIMOUSLY

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE THE REQUEST TO REMOVE OR SIGNIFICANTLY REDUCE (POLLARDING OF

50%) OF SEVEN OAK TREES ADJACENT TO 28 LORDSWOOD GARDENS WAS LOST, AFTER AN EARLIER VOID VOTE

RECORDED VOTE:

FOR: Councillors Claisse, Osmond and Thomas

AGAINST: Councillors Cunio, L Harris, Jones and Letts

A FURTHER MOTION PROPOSED BY COUNCILLOR JONES AND SECONDED BY COUNCILLOR CUNIO THAT CONSENT BE GRANTED TO REMOVE TREES NUMBERED 3 AND 5 IN THE TPO MAP WAS CARRIED.

RECORDED VOTE:

FOR: Councillors Cunio, L Harris, Jones, Letts and Osmond

AGAINST: Councillors Claisse and Thomas

**RESOLVED** that trees 3 and 5 in the TPO map be removed.

### **REASONS FOR DECISION**

Given their contribution to the amenity of the area the panel declined the request to remove or significantly reduce seven oak trees, but were satisfied that given the ongoing maintenance commitment caused by the proximity of two trees marked 3 and 5 on the TPO map which overhang the property, that it was appropriate to remove them thereby preventing the risk of any damage from failure such as 'summer branch drop' and reduce other nuisance such as shading and falling debris to 28 Lordswood Gardens.

### 79. **OBJECTION TO THE IMPLEMENTATION OF A TREE PRESERVATION ORDER AT 179 WILTON ROAD**

The Panel considered the report of the Head of Street Scene and Community Safety in respect of an objection received to the Southampton (179 Wilton Road) TPO 2011 regarding an oak and a beech tree in the rear garden of 179 Wilton Road. (Copy of the report circulated with the agenda and attached to the signed minutes).

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

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO CONFIRM THE SOUTHAMPTON (179 WILTON ROAD) TREE PRESERVATION ORDER 2011 FOR THE REASONS SET OUT IN THE REPORT WITHOUT MODIFICATIONS WAS CARRIED UNANIMOUSLY

**RESOLVED** that the Southampton (179 Wilton Road) Tree Preservation Order 2011 be confirmed without modifications.

### **CONSIDERATION OF PLANNING APPLICATIONS**

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



80. **LAND REAR OF 63 MANOR FARM ROAD 11/01448/FUL**

Redevelopment of the site, erection of 2 x 1-bedroom single storey dwelling houses with associated parking, cycle and refuse storage.

Mr Sherwood (Architect), Mr Yates, Mr Pain (Local Residents) and Councillor P Williams (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 Claisse, Jones, L Harris, Letts, Osmond and Thomas

ABSTAINED: Councillor Cunio

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

Additional conditions

**17. APPROVAL CONDITION – Sedum Roof (Pre-Commencement Condition)**

Prior to the commencement of works, details relating to the implementation, management and maintenance of the sedum roof (to include the proposed species, heights and density of planting) hereby approved shall be submitted to and agreed in writing by the local planning authority. The sedum roof shall be provided to the dwellings hereby approved before their first occupation. Once provided, the sedum roof shall be maintained and retained at all times thereafter.

Reason

In the interests of visual amenity and to aid the reduction in the developments demands for resources to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**18. APPROVAL CONDITION – Vehicular Access (Performance Condition)**

The vehicular access serving the development hereby approved shall be made available prior to the first occupation of the development hereby permitted and shall be retained at all times for the use of the approved dwelling.

REASON:

To ensure the provision of adequate vehicular access in association with the approved dwellings.

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 its back land siting, design and impact on the character and context of neighbouring sites, the level of car parking, access to the site, the number and layout of units and the amenity and privacy of adjacent occupiers 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 outline planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, H2, of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS15, CS16, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

81. **16 BLENHEIM GARDENS, SO17 3RL 11/01504/FUL**

Part two storey part single storey side and rear extension with detached cycle and refuse store.

Mr Hothi (Applicant) 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 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).

# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 17 January 2012 - Conference Rooms 3 and 4, Civic Centre

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

| Main Agenda Item Number                           | Officer | Recommendation | Type | PSA | Application Number / Site Address  |
|---|---------|----------------|------|-----|--|
| <b><u>BETWEEN 9.30 AM AND 11.00 AM</u></b>        |         |                |      |     |  |
| 5   | RP      | DEL            | Q01  | 15  | 11/01555/FUL/<br>Admirals Quay Ocean<br>Way, Ocean Village                   |
| <b><u>BETWEEN 11.00 AM AND 11.30 AM</u></b>       |         |                |      |     |  |
| 6   | JT      | CAP            | Q20  | 5   | 11/01506/FUL /<br>Former Dillons Garden<br>Sheds site, Old<br>Redbridge Road |
| <b><u>BETWEEN 11.30 AM AND 12.00 PM</u></b>       |         |                |      |     |  |
| 7   | SL      | CAP            | Q21  | 5   | 11/01855/FUL /<br>45 The Parkway, SO16<br>3PD                                |
| <b><u>MAIN AGENDA REPORTS – from 12.00 PM</u></b> |         |                |      |     |  |
| 8   | SL      | Agree          | N/A  | 5   | Enforcement report in<br>respect of 141 Burgess<br>Road, Bassett             |
| 9   | DB      | To note        | N/A  | 5   | Public Rights of Way:<br>Annual Update Report                                |

### **Abbreviations:**

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

AA – Andrew Amery, ARL – Anna Lee, BS- Bryony Stala, JT - Jenna Turner, MP- Mathew Pidgeon, SH- Stephen Harrison, SL - Steve Lawrence, RP – Richard Plume, DB – David Blakeway

# **Southampton City Council - Planning and Rights of Way Panel**

## **Report of Executive Director of Economic Development**

### **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)
- (vv) Parking Standards Supplementary Planning Document (2011)

\* 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 (2011)
- (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: 11/10/11

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# Agenda Item 5

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 17 January 2012  
Planning Application Report of the Planning and Development Manager**

|   |  |                              |   |
|---|--|------------------------------|---|
| <b>Application address:</b><br>Admirals Quay, Ocean Way, Ocean Village  |  |                              |   |
| <b>Proposed development:</b><br>Erection of three buildings of 9 - storeys, 16 - storeys and 26 - storeys to provide 299 flats (37 x 1-bedroom, 225 x 2-bedroom and 37 x 3 - bedroom) and 2764 square metres of commercial floorspace comprising retail (Class A1) and/or cafes/restaurants (Class A3) and/or drinking establishments (Class A4) with associated storage and parking. |  |                              |   |
| <b>Application number</b>   | 11/01555/FUL   | <b>Application type</b>      | FUL                                     |
| <b>Case officer</b>   | Richard Plume  | <b>Public speaking time</b>  | 15 minutes                              |
| <b>Last date for determination:</b>   | 09.01.2012   | <b>Ward</b>                  | Bargate                                 |
| <b>Reason for Panel Referral:</b>   | Referred by the Planning and Development Manager as an application of strategic importance | <b>Ward Councillors</b>      | Cllr Bogle<br>Cllr Noon<br>Cllr Willacy |
| <b>Applicant:</b> Mikella Ltd   |  | <b>Agent:</b> Luken Beck Ltd |   |

|                               |  |
|-------------------------------|--|
| <b>Recommendation Summary</b> | <b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.</b> |
|-------------------------------|--|

## 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 application site on the waterfront is an appropriate location for tall buildings and that the detailed design treatment is satisfactory. Furthermore the LPA is satisfied that the proposed development would not have a detrimental impact on the setting of listed buildings nearby or on the character and appearance of the adjoining Canute Road Conservation Area. 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 be granted.

Policies - SDP1, SDP6, SDP7, SDP9, SDP10, SDP13, HE1, HE3, HE6, CLT5, CLT6, CLT11, CLT14, H1, H2, H7, REI7 and MSA1 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

|                          |                           |   |                              |
|--------------------------|---------------------------|---|------------------------------|
| <b>Appendix attached</b> |                           |   |                              |
| 1                        | Development Plan Policies | 3 | City Design Manager comments |
| 2                        | Relevant Planning History |   |                              |

## 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 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 CS15.
- v. A financial contribution towards public realm improvements in accordance with the adopted SPG relating to Planning Obligations (August 2005 as amended).
- vi. 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.
- 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. Obligations to ensure the permanent provision of public access to the promenade, raised terraces and public square.
- ix. Submission, approval and implementation of a Waste Management Plan.
- x. Submission and implementation of a Travel Plan.
- xi. Obligations to prevent residential occupiers of the development using the public car parking spaces on a permanent basis.
- xiii. Submission and implementation of a Flood Management Plan.

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 development known as Admirals Quay is the site bounded by Channel Way, Ocean Way and Canute Road. A predominantly residential development, with two ground floor bars/restaurants, has been built following previous planning permissions, within five buildings ranging in height from four storeys to ten storeys. The current application relates to the south western part of the Admirals Quay site,

an area of approximately 1 hectare which is a vacant site, partly used for car parking, but also includes a single-storey building formerly used as a sales office but now occupied as a cafe and beauty salon. The application site extends up to the Ocean Village Marina and is accessed from Ocean Way which is a privately owned and maintained road.

- 1.2 The surroundings of the application site are mixed in terms of uses, building heights, age and design. To the east of the site is a four storey office block and car parking with the Royal Southampton Yacht Club building beyond. To the north and east of Channel Way are the 2, 3, 4 and 5-storey flats and houses of Alcantara Crescent, Asturias Way and Andes Close.
- 1.3 Canute Road to the north of the site contains a mixture of warehousing, offices and residential within predominantly 3 and 4-storey buildings. At the corner of Canute Road and Royal Crescent Road is a partially constructed building which has permission for 88 flats and to the east of that site there is outline planning permission for a part 6-storey and part 7-storey building. On the south side of Canute Road, adjacent to the application site, is a single-storey former dock building, Ironside House now in use as two restaurants. Although not included in the application site these restaurants take their access from the car park which does form part of the site of this proposal.
- 1.4 To the west and south of the site, wrapping around the marina, are separate office buildings of 3 and 4-storeys, two cinemas and 3 and 4-storey flats and houses. Within this area are extensive car parks to serve the commercial uses and for public use on a pay and display basis.
- 1.5 Canute Road to the west of the site is a conservation area containing several listed buildings on the road frontage. These are former commercial buildings which reflect the growth in importance of the docks being former banks, hotels and dock-related buildings. The conservation area extends to include Bank House, a 2-storey Victorian office building on the corner of Canute Road and Ocean Way. Car parking for these offices is included within the existing car park on the application site.

## **2. Proposal**

- 2.1 The application proposes to develop the last remaining part of the Admirals Quay site with a residential development above ground floor commercial units. Three new buildings are proposed: a 26-storey building at the south-western end of the site (Building 1 - overall height 80 metres AOD); a 16-storey building in the central part of the site (Building 2 - overall height 46 metres AOD); and a 9-storey building at the eastern end of the site adjoining the completed part of Admirals Quay (Building 3 - overall height 27 metres AOD). The only existing building on the site, the single-storey cafe building will be demolished.
- 2.2 The development would provide 299 flats of which the mix of units would be 37 x one bedroom, 225 x 2 bedroom and 37 x 3 bedroom units. The existing number of flats at Admirals Quay is 292, the previous planning permission would have taken the total number to 522, the current proposal would increase the total number of flats to 591. The commercial units to be provided at ground floor level would be used for retail purposes (Class A1) or restaurants/cafes (Class A3) or drinking establishments (Class A4). The total floorspace of these units is 2,764 square metres. 8 commercial units are proposed ranging in size from 112 square metres to 372 square metres. The applicant accepts that the amount of Class A1 floorspace should be restricted to 750 square metres to comply with Local Plan policies which seek to limit the size of retail development outside of existing centres.

- 2.3 The proposed external materials for Buildings 1 and 2 are: a mixture of glazed curtain walling; oxidised copper panels; silver grey 'Trespa' cladding; terracotta rainscreen cladding; glazed balconies; grey powder coated windows and louvres to the ground floor units. For Building 3 the materials would be similar to that of the completed part of Admirals Quay: render and red facing brickwork, grey aluminium windows, glass and stainless steel balustrades and balconies.
- 2.4 Vehicular access would be in the same position as at present with access from both Ocean Way and Channel Way. Car parking would be provided as a continuation of the existing ground level car park for Building 3, with an additional level above. For the other buildings, the vehicular access would be from the Ocean Way end of the site with car parking beneath the building at lower ground floor level and surface level parking at the rear of the building. The total number of parking spaces is 265 for the flats (i.e. an average of 0.89 spaces per flat) and 37 spaces for general public use. Servicing for the commercial units and refuse collection would be at the rear of the buildings from the existing car park.
- 2.5 The proposal incorporates pedestrian routes through the site as previously approved: a raised footpath link between two of the buildings connecting the marina to Canute Road and a walkway alongside the marina. In addition, there would be a raised outdoor seating area for the restaurants at the south-western end of the site which would be accessible by both steps and a ramp. The amenity areas for the flats would be in the form of private balconies and shared outdoor areas between the blocks above the commercial units and car parking as carried out on the earlier phase of the development.
- 2.6 The planning application is accompanied by a series of background reports: Design and Access Statement; Transport Assessment; Flood Risk Assessment; Heritage Statement; Wind Microclimate Assessment; Sustainability Strategy and Ecology Report.

### **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 not an allocated site for development in the Local Plan. However, it directly adjoins land to the south and west which is allocated under Policy MSA 11. This policy allocation promotes a mix of uses including offices, a marine innovation centre, water based leisure and A3 uses, hotel, marina related events and residential. Some of the land subject of this site allocation has now been developed with a public multi-storey car park on land to the west of Ocean Way, and a mixed residential and commercial development of up to 11-storeys in height on the former boatyard site which is south of the Harbour Lights Cinema. There is an outstanding planning permission for a 225 bedroom hotel in a 15-storey building on the Promontory and adjoining car park. There is also a current planning application on this land for a 6-storey hotel building and 80 flats above ground floor commercial units which has recently been received.
- 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 Waterfront Character Area). Within this area the design objectives are: to improve the connectivity of the waterfront to the rest of the city and increase opportunities for pedestrian access to the waters edge; to create new public spaces to provide attractive settings for key buildings; to build up the architectural mass and scale towards the water's edge; and create active building frontages along key sections of the waterfront. In the specific context of the application site, CCUDS recommends the incorporation of a proposed architectural landmark element on that part of the site where the current application proposes a 26-storey building.

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

4.1 The Admirals Quay site was previously occupied by Canutes Pavilion which comprised a range of shops, food and drink and amusement uses with associated public car parking of 526 spaces.

4.2 A list of the subsequent planning decisions is included within Appendix 2 to this report. Of most relevance to the current application is the planning permission granted in April 2007 (reference 05/00231/FUL) which granted permission for new buildings ranging in height from 6-storeys to 12-storeys to provide 230 flats above ground floor commercial uses. This permission would bring the total number of flats at Admirals Quay to 522 with total car parking provision of 632 spaces of which 482 would be for the flats and the remainder would be for general public use.

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

5.1 Pre-application consultation was carried out by the applicant including a public exhibition on 4 June 2011. 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 (27.10.2011) and erecting site notices (20.10.2011). At the time of writing the report **34** representations have been received from surrounding residents. Of these comments, 28 responses are opposed to the development and 6 are in favour.

5.2 The comments opposing the application can be summarised as follows:

- The proposals are not in the long term interests of Ocean Village or the city generally;
- A 26-storey building would be too tall and would become a blot on the skyline;
- Tower blocks are not attractive places to live;
- Such tall buildings would cast long shadows particularly in the winter months making the marina a dark and dismal place to live;
- There would be a loss of light and privacy to adjoining occupiers;
- Will exacerbate existing traffic problems in the area which is a significant issue every weekend;
- There is already a surplus of small flats in Southampton - this increased number will result in additional buy-to-let properties and student occupation which which would be out of character with Admirals Quay.
- There is not the demand for this number of additional restaurants in the area.
- The area lacks the necessary infrastructure such as health services, supermarkets, car parking etc.
- 299 additional flats would exacerbate existing parking problems - there is already a lack of practical and affordable parking. The location of the multi-

storey car park is not convenient for residents and visitors.

These comments are addressed later in this report.

5.3 The comments supporting the application can be summarised as follows:

- There is a definite need for additional retail, restaurants and flats to improve the vibrancy of the area;
- The proposals would further enhance the Ocean Village area and improve the experience for residents and visitors;
- Would provide additional employment opportunities and an increase in more affordable small flats for sale.

5.4 **English Heritage** - The final development site in Ocean Village is not one where a 26-storey tower can be placed without full scrutiny and the deployment of agreed views. The submission should conform to Local Plan Policy SDP 9 which has yet to be demonstrated. The site on the north side of the dock can accommodate substantial development and there would be limited impact on the listed dock walls. However, the wholly unexpected scale of the western tower, at 26-storeys brings quite different considerations into play. As the city has no adopted tall buildings policy these exceptional schemes fall to be considered under SDP9. This policy states that if such designs are overbearing and their impact is consequently unacceptable they will be refused. A 26-storey building can be presumed to be overbearing if it is proposed in the immediate context of much lower historic buildings, unless it has been positively demonstrated not to have this impact. In the context of the Canute Road Conservation Area, views from the north side of Canute Road will need to be provided and the more distant views from Platform Road near God's House Tower should also be assessed. The cafe building currently on the site undoubtedly contributes to the character of the dock area: it is now one of the few survivors from its industrial past and creates valuable human scale. This building merits at least adequate recording if it is not to survive. English Heritage conclude that the application should be better supported in accordance with Council policies and if not it should be refused. The applicant has subsequently provided additional information to address these comments and any updated comments will be provided at the Panel meeting.

5.5 **SCC Heritage Team** - In terms of the impact on the historic environment, the English Heritage comments are noted. However, the City Centre Action Plan (currently in draft) identifies the waterfront as a suitable location for individual tall buildings which this application seeks to achieve. The 26-storey tall element of the proposal, which is intended to be a landmark building, will clearly be visible from all around the city. The issue then for the impact on the conservation areas near the site will be one of quality of design and selection of materials, rather than of appropriateness of location. The detailed discussions on the final palette of materials will take place after the decision is made. It will be these details that ultimately determine whether the building will be a successful landmark structure or merely a tall building adjacent to the water. The heritage statement which accompanies the application pays limited regard to archaeology which could be of significant importance in this area. Due to the archaeological potential of the area, as long as a phased programme of archaeological works (beginning with an archaeological evaluation) is carried out in advance of the development, there is unlikely to be anything on the site that will prove to be an overriding constraint to development. The required archaeological works can best be secured by conditions.

5.6 **SCC City Design Team** – (Summary of comments, full comments are reproduced

as Appendix 3 to this report): Subject to the resolution of certain detailed issues, the proposal offers a suitable scale and quality of development that will enhance the legibility and 'sense of place' of Ocean Village as one of the few locations in the city where currently the public can enjoy the waterfront. CABE/English Heritage's Tall Building Guidance requires that tall buildings should be of 'excellent design quality' – this development promises to meet this criteria but this will ultimately hinge on the highest quality glazing, cladding materials and fittings etc being used as well as excellent architectural detailing.

- 5.7 **SCC Environmental Health (Pollution & Safety)** - there are no objections to this application providing conditions are imposed to control the environmental impact of the development.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by Environmental Health Services indicate that the subject site is located on/adjacent to the following existing and historical land uses - Docks & Wharf, Warehouse and Garage (on site); former Landfill (approx 10m West). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Annex 2 of PPS23 and Policies SDP1 and SDP22 of the Local Plan Review this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.
- 5.9 **SCC Ecology** –The ecology report requires additional work to address the following impacts: recreational impacts on European/international sites on the coast and New Forest; noise impacts, arising from piling, impact on bird species which are interest features of the Solent and Southampton Special Protection Area (SPA) and Ramsar site; noise impacts, again from piling, impacting on Atlantic salmon which are a secondary feature of the River Itchen Special Area of Conservation (SAC); collision risk for birds - this should include water fowl covered by the Solent and Southampton Water SPA/Ramsar. Additional information on these issues have been provided and any further comments will be reported verbally to the meeting.
- 5.10 **BAA** – There are no aerodrome safeguarding objections to this proposal provided that a condition is applied to any planning permission covering a bird hazard management plan.
- 5.11 **Environment Agency** – have no objection to the proposal as submitted. The proposed design of the building is such that there will be commercial development at a lower level with a floor level of 3.9m AOD. Residential development is then proposed to start above this with a floor level of 8.75m AOD and above. Over the 100 year development life of the building, some of the commercial units, No's 1 and 6 – 8, may experience some flooding if the design event of 4.2m AOD were to occur. A semi-basement car park is proposed at a finished floor level of 2.45m AOD. It is therefore likely that the car park area will be subject to flooding over the lifetime of the development. The measures proposed within section 3.9 of the FRA adequately address these issues. PPS 25 and the associated Practice Guide (paragraphs 7.23 to 7.31) places responsibilities on LPA's to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. In all circumstances where warning and evacuation are significant measures in contributing to managing flood risk, we will expect LPA's to formally consider the emergency planning and rescue implications of new development in making their decisions. Information that would need to be included in any flood warning and evacuation plan should be fed from the FRA, utilising the

best data available such as from the Southampton SFRA 2.

5.12 **Southern Water** – Initial investigations indicate there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service this development. The proposed development would increase flows to the public sewerage system. Existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Southern Water have no objections subject to the imposition of a condition and informative.

5.13 **City of Southampton Society** - make the following comments: the traffic problem is more serious than the plans imply. At peak times when there are cruise ships in port, the congestion is quite serious and 30 extra vehicles per hour could cause chaos. The height of the build at 26 storeys is too high - probably not acceptable to the aviation authorities since aircraft approaching the airport usually fly north up the River Itchen. 20 storeys would be more acceptable. We would recommend a public viewing platform at the top of the tower to be included in the proposals.

5.14 **SCC Highways** - The principle of this form of development has been established by previous approvals on the site. The increase in the number of flats, compared to the previous approvals is not sufficient to have a material impact on traffic flows. Amendments are needed to the cycle parking and refuse storage arrangements to make them acceptable (note revisions have subsequently been submitted).

## 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 conservation areas;
- Transportation issues;
- Sustainability and environmental impact;
- Regeneration issues.

### 6.2 Principle of Development

The Admirals Quay site has been the subject of several permissions over the last 10 years which have approved mixed use developments of a similar nature to that now proposed. The 2001 permission was partly implemented with the construction of the buildings fronting Canute Road. At that time it was intended to limit the height of buildings to 6-storeys but this was because of a restrictive covenant rather than a planning restriction. Once the covenant was lifted, taller buildings were proposed fronting the marina and again this has partly been implemented with two blocks of flats and ground floor restaurants/bars. The proposed development would continue the same theme with three further blocks of flats above a series of commercial units. These units would be occupied as either retail or food and drink uses which will enhance the vitality of the Ocean Village marina by introducing active frontages at two levels with associated outdoor seating areas.

6.3 The residential accommodation provides a mix of unit sizes but with an emphasis on two bedroom flats. The number of 3 bedroom family sized units (at 12% of the total) 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



within tall buildings this reduced amount of family housing can be justified, particularly as the last planning permission included only two family sized units out of 230 flats. The application would maximise the use of a previously developed site with a density of approximately 300 dwellings per hectare. The layout of the proposed flats is considered to be acceptable with the vast majority of the flats being dual aspect.

#### 6.4 Design Issues

Members attention is drawn to the detailed comments of the Council's City Design Manager in Appendix 3 to this report. There are a wide variety of architectural styles and building heights surrounding the Ocean Village Marina. Buildings vary in scale from 2 and 3-storey houses to the recently completed 11-storey block of flats on the Boatyard site. This development would be significantly larger than other buildings in the area and the 26-storey building would, at 80 metres AOD, be the tallest building in the city. The permission granted for this site in 2007 included buildings of up to 12-storeys in height (43 metres AOD) and there is an outstanding permission for a 15-storey hotel building on the Promontory (57 metres AOD). Other approved tall buildings in the wider area include a 25-storey building for hotel and residential use on the Cedar Press site in Royal Crescent Road (76 metres AOD) and three tall buildings on the former Vosper Thornycroft site at Woolston which are 18, 21 and 25-storeys (61 metres to 82 metres in height AOD). There is therefore a precedent for tall buildings in this part of the city. However, proper consideration needs to be given to whether the application site is an appropriate location for such tall buildings given the nature of the surroundings which, as English Heritage have pointed out, include important heritage assets in Canute Road which adjoins the application site. Although the city does not have a skyline/tall buildings strategy as such, there are a series of policies and supplementary design documents which support this waterside location as a suitable location for tall buildings. This includes Local Plan Policy SDP9 which is permissable of tall buildings on the waterfront and 'CCUDS' which is referred to in paragraph 3.3 of this report. Furthermore, the City Centre Masterplan and the emerging City Centre Action Plan which will soon be published for public consultation similarly support tall buildings on the city's waterfront. Ocean Village is one of the few areas of publicly accessible waterfront in the city and consequently is considered to be an appropriate location for a landmark feature which will help to create a new sense of place.

6.5 In terms of the detailed design, the proposal continues the theme set by previous approvals with three distinct buildings linked with two levels of commercial space at ground and upper ground floor levels. Building 3 at the eastern end of the site is of a similar footprint, size and shape to that of the 2007 approval. This is because of the need to limit the impact on the adjoining block of flats. Further away from the existing buildings, proposed buildings 1 and 2 adopt a different treatment in terms of building shape and particularly external materials. These two buildings would be taller than the previous scheme but would be more slender in profile and with a wider separation between them. The footprint of building 1 has been amended and as a consequence would relate better to both the adjoining open space and as an arrival feature when entering the Ocean Village estate from Canute Road.

6.6 As pointed out by English Heritage, the application site is close to important heritage assets, listed buildings and the conservation area in Canute Road. There is no doubt that a development of this large scale would have a significant impact and be visible from many viewpoints within the city. However, with the appropriate detailing and use of good quality external materials it does not necessarily follow that this impact would be harmful. Other developments in the city and elsewhere

have demonstrated that new tall buildings can be accommodated close to historic settings. Subject to further details and good quality external materials it is considered that this development would not adversely affect the setting of listed buildings or the character and appearance of the Canute Road Conservation Area.

6.7 Transportation

This is a city centre site which is well served by public transport and can therefore accommodate a high density form of development of this nature. The previously approved development was for 230 flats and the increase in the number of flats now proposed (69 extra) would not have a significant impact in traffic terms. 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 highways network.

6.8 In terms of car parking provision, the existing development at Admiral's Quay has provision of slightly less than one space per dwelling. A significant part of the site also includes public car parking on a 'pay and display' basis. The previous agreements were that a total of 150 parking spaces would be available as public car parking for visitors and users of the marina facilities. 113 such spaces have been provided and the remaining 37 public spaces will be provided as part of this application. The level of parking provision for the new flats, 265 spaces for 299 flats is a similar proportion as the last permission. Although the car parking standards have recently been revised, these new standards do not cover the city centre area where the former Local Plan standards continue to apply. A strict application of those maximum standards would mean that 172 spaces could be provided. In these circumstances the amount of car parking proposed is considered to be acceptable.

6.9 Sustainability and environmental impact

The applicant has submitted BREEAM and Code for Sustainable Homes pre-assessments for this mixed use development which show a commitment to meeting Code Level 3 and the potential for meeting BREEAM very good standard. However, in the case of the commercial units it is likely that the fitting out of these units will be carried out at a later stage and therefore the applicant is unable to meet the standard condition for BREEAM certification. The sustainability assessment shows that by incorporating exhaust air heat pumps and a high efficiency building fabric there would be a reduction of Co2 emissions of 17% relative to the 2010 Building Regulations. These measures are welcomed and would meet the requirements of Core Strategy Policy CS20.

6.10 The applicants flood risk assessment demonstrates that the majority of the Admirals Quay site is within Flood Zone 1 which means the land is at low risk of flooding and the site is therefore suitable for this form of development. The Environment Agency are satisfied with the findings of the flood risk assessment. Recommended measures can be secured through a condition and a site specific flood management plan can form part of the Section 106 agreement. The applicant has also carried out an assessment of the local wind microclimate using computer technology. Overall the wind conditions are predicted to be comfortable with only two points falling outside this desired category by a small amount. These areas are close to the corner of Buildings 1 and 2 where they are exposed to the prevailing southerly winds. However, these areas are provided with undercrofts to offer some shelter. The marina promenade and the car parking to the north will be sheltered by the proposed buildings. The design of the outside seating areas is such that people will have some choice of where to sit depending on the wind direction. Overall, it is considered that the wind impact is not significant enough to require design changes.

6.11 In terms of the impact on neighbour amenity, the impact at the eastern end of the

site would be no different than would arise with the previous approval. The taller buildings would cast a longer shadow at certain times of the year but the orientation is such that the marina promenade and other public areas would still receive adequate sunlight. The 4 -storey block of flats which adjoins to the north would be affected to some degree but there would also be some improvements for these neighbours due to the change in the orientation of Building 1 and the increased gap between the buildings which will provide for an improved outlook across the marina.

## 6.12 Regeneration

The proposed development offers significant regeneration benefits to this part of the city centre. The application site is something of an eyesore and is surrounded by hoardings. Completing the development would enhance Ocean Village as a visitor attraction, incorporate public realm enhancements and provide both jobs and new housing. 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 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 (the normal policy requirement of 35% would mean 105 affordable units should be sought). It is probable that the Section 106 obligations will concentrate on improvements to open space and site specific transport works.

## 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 Ocean Village waterfront. The completion of the Admirals Quay development in a similar form to the original concept is welcomed. A publicly accessible waterside location is an appropriate location for tall buildings. The design of the development is appropriate for its context and the setting of adjoining listed buildings and the conservation area would be adequately addressed. The highways and servicing arrangements are acceptable and the pedestrian environment will be significantly improved as a result of the new public realm treatment.

## 8.0 Conclusion

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), 3(a), 4(d), 4(f), 4(r), 4(z), 4(vv), 6(a), 6(c), 7(a), 7(e), 7(f), 7(g), 7(n), 7(w), 9(a), 9(j), 10(a) and 10(b).

**RP2 for 17/01/2012 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 - 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.

#### 05. 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.

#### 06. 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.

#### 07. APPROVAL CONDITION - Piling [Pre-Commencement 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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination:

Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

#### 08. 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 scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

authority.

Reason:

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

#### 09. APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

#### 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 – Archaeological investigation [Pre-Commencement Condition]

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

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

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

#### 13. 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.

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

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

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

#### 15. APPROVAL CONDITION – Archaeological building-recording [Pre-Commencement Condition]

No development, including demolition of the existing building, shall take place within the site until the implementation of a programme of archaeological building recording 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 recording of the building is initiated at an appropriate point in demolition procedure.

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

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures as set out in the applicants submission dated 23 December 2011 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).

#### 17. 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.

**18. APPROVAL CONDITION - Foul Drainage (Performance Condition)**

The proposed foul drainage system shall be fully sealed.

**Reason:**

As requested by Southern Water to prevent the ingress of flood water into the sewerage network.

**19. 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.

**20. APPROVAL CONDITION - Bird Hazard Management Plan (Pre-Commencement Condition)**

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds (possible different management strategies during the breeding season and outside the breeding season). The Bird Hazard Management Plan shall be implemented as approved upon the completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan 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 of the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.

For information: The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when

requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

21. 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.

22. 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.

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

No development shall commence until a scheme of safety and security measures, including CCTV equipment, 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.

24. 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 0730 to midnight on any day.

Reason:

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

25. APPROVAL CONDITION – Delivery times (Performance Condition)

No deliveries to the commercial premises hereby approved shall take place outside the hours of 0730 to midnight on any day.

**REASON:**

To safeguard the amenities of future occupiers of the residential accommodation

**26. APPROVAL CONDITION - Restriction on retail development - Performance Condition.**

The development hereby approved shall provide no more than 750 square metres gross external floorspace (including mezzanine floors) of retail use (Class A1).

**Reason:**

To restrict the amount of retail floorspace on the site in accordance with Policy CS3 of the Southampton Core Strategy (2010)

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

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

**Reason:**

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

**28. 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 open areas surrounding the buildings without the prior written approval of the Local Planning Authority.

**REASON**

To ensure satisfactory treatment of these important areas of public space.

**29. 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.

### 30. APPROVAL CONDITION - Public seating areas (Pre-Occupation Condition)

The commercial units hereby approved shall not be first occupied or open to the public until details of the external areas to be used for seats and tables has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and no other areas of the promenade or public areas shall be used for such outdoor seating without the prior written consent of the Local Planning Authority.

Reason:

To maintain appropriate public use and access within and through the development.

### 31. APPROVAL CONDITION - Provision of public spaces (Pre-Commencement Condition)

No development shall commence until a programme of phasing for the provision of the promenade and other public spaces has been submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the provision of public space as part of the development.

### 32. APPROVAL CONDITION - Access to amenity space (Pre-occupation Condition)

The residential accommodation shall not be first occupied until the communal amenity areas serving that part of the development has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried in accordance with these approved details and retained thereafter for occupiers of the development.

Reason:

To ensure appropriate access to amenity space for occupiers of the flats.

### 33. APPROVAL CONDITION - Flood resistance measures (Pre-Commencement Condition)

The development shall incorporate flood resistance and flood resilient measures as specified in the applicants Flood Risk Assessment further details of which shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The approved measures shall be incorporated in accordance with these approved details.

Reason:

To ensure adequate flood protection measures are incorporated into the design.

### 34. APPROVAL CONDITION - Balcony/balustrade detail (Pre-Commencement Condition )

No development of Building 3 shall commence until details of screening to the balconies of that building have been submitted to and approved in writing by the Local Planning Authority. The approved screening details shall be installed before the flats to which the balcony screens are first occupied and permanently retained thereafter.

Reason: To limit potential overlooking of adjoining flats.

35. APPROVAL CONDITION - Relocation of historic plaques (Pre-Occupation Condition)

The development shall not be first occupied until the existing historic plaques have been relocated on the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the retention of these important historic features.

36. APPROVAL CONDITION - Approved Plans

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

Reason:

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

**POLICY CONTEXT**Core Strategy - (January 2010)

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS4  | Housing Delivery   |
| CS5  | Housing Density  |
| CS6  | Economic Growth  |
| CS12 | Accessible and Attractive Waterfront                       |
| 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                    |
| CS22 | Promoting Biodiversity and Protecting Habitats             |
| CS23 | Flood Risk   |
| 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                    |
| SDP12 | Landscape & Biodiversity                    |
| SDP13 | Resource Conservation                       |
| SDP14 | Renewable Energy                            |
| SDP16 | Noise                                       |
| SDP22 | Contaminated Land                           |
| NE4   | Protected Species                           |
| HE1   | New Development in Conservation Areas       |
| HE3   | Listed Buildings                            |
| HE6   | Archaeological Remains                      |
| CLT1  | Location of Development                     |
| CLT5  | Open Space in New Residential Developments  |
| CLT6  | Provision of Children's Play Areas          |
| CLT11 | Waterside Development                       |
| 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  
MSA11 Land at Ocean way, Maritime Walk and fronting Alexandra Docks

### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Supplementary Planning Document (2011).

### Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)  
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)  
PPS3 Housing (2010)  
PPS4 Planning for Sustainable Economic Growth (December 2009)  
PPS5 Planning for the Historic Environment (March 2010)  
PPG13 Transport (2011)  
PPG24 Planning and Noise (1994)  
PPS 25 Development and Flood Risk (2006)

**Relevant Planning History**

2001 - planning permission granted for redevelopment to provide 392 flats and food and drink uses in 3 to 6-storey blocks with landscaping, open space and car parking of 474 spaces (Reference 01/00258/FUL).

May 2003 - planning permission granted for redevelopment to provide 359 flats and food and drink uses in 3 to 12-storey blocks with landscaping, open space and car parking. This amended scheme was for a larger site than the 2001 permission. At the time this later application was considered two of the blocks of flats approved in 2001 were under construction so these buildings were not included in this later permission. The total number of flats approved as part of these two permissions was 435 with 550 car parking spaces (reference 02/00175/FUL).

August 2003 - planning permission granted for the use of commercial units 3,4,5 and 6 for retail use (Class A1) in addition to the previously permitted food and drink use (Class A3). This approval related to an area of 851 square metres (reference 03/01049/FUL).

February 2005 - planning permission granted to amend the hours of operation of commercial units 1 and 2 (the existing bars/restaurants) to allow opening between the hours of 0730 and midnight (reference 04/01329/VC).

April 2007 - planning permission granted for redevelopment to provide 230 flats (50 x one bedroom, 178 x two bedroom and 2 x three bedroom units) above ground floor commercial uses in buildings ranging in height from 6-storeys to 12-storeys (reference 05/00231/FUL).



## **City Design Manager Comments**

### Relevant policies/guidance:

Local Plan Review 2006 SDP 1, 6, 7, 8 and 9, Core Strategy 2010 CS 1, 5 and 13, City Centre Urban Design Strategy (CCUDS) 2000, City Centre Development Design Guide 2004, City Centre Streetscape Manual 2004, Residential Design Guide 2006, CABE/EH's Tall Buildings Guidance 2007, Skyline Strategy (officer guidance) 2006.

### Amount and Use

A key requirement of any new proposal on this site is that it should contribute to and enhance the existing development mix. The proposal does this by providing a continuous frontage of commercial uses providing potential to extend the existing uses of cafes and restaurants, via a linear promenade, creating a greater critical mass and improved offer. These uses, compared to the previous approved scheme no. 05/00231/FUL, are now orientated also towards the main arrival point at the entrance to the marina and to the evening sun, making the development more legible and accessible. The large amount of residential apartments provided will also help to sustain the commercial uses in the vicinity.

### Scale

CCUDS advocates increasing scale and mass of development along the waterfront with an architectural landmark on the western end of this site, at the apex and point of arrival at the Ocean Village Marina. The previous approved scheme proposed 3 blocks in a similar architectural form to those that have already been built rising gradually from east to west, from an L shaped block of 8 storeys (Block B), including retail at ground level and residential above, to a long plinth block containing retail with two medium rise residential blocks of 8 and 12 storeys (Block D) on the western end of the site. The current proposal provides three distinct blocks increasing in height from 9 storeys (Building 3), 16 storeys (Building 2) to 26 storeys (Building 1) on the western edge of the site. The emerging City Centre Master Plan, which will go to public consultation in the New Year as a supporting document to the City Centre Action Plan, supports the provision of a string of landmark buildings (which could be tall) along the city centre's waterfront.

Building 1 and 2 are clearly much taller than other buildings in the vicinity, as demonstrated by the photomontages from Woolston and Itchen Bridge although a 25 storey residential tower with hotel was given conditional approval on the Cedar Press site in 2010 and further tower blocks of 13, 15 and 17 storeys exist at Richmond House, Dukes Keep and Mercury Point to the north west of the site. The proposal for a tall building(s) is supported by existing design guidance and that emerging through the preparation of the City Centre Master Plan.

Building 1 has been orientated so that its primary facades orientate towards the approach into Ocean Village from Canute Road, towards the cinema, and towards the proposed hotel promontory site, this is a significant improvement on the previous approved scheme which turns its back on the main approach to the quay side. The scale, mass and orientation of this building successfully addresses the approach to Ocean Village, clearly demarking this building as the fulcrum of the marina and defining the point of arrival. The grandeur and scale of the building is further enhanced by generous pavement widths, appropriate to the height of the building, and by positioning its primary glazed elevation

squarely at the end of the proposed public square, creating an impressive visual end stop to the development surrounding the north and east sides of the marina.

Building 3 has been modelled to create a building of similar scale and mass to the adjoining development block Sirocco and sits comfortably as a counterpoint in relation to this block and the increased scale of Building 2. Both this building and Building 2 address the quay side with their primary elevations, however Building 2 departs from the horizontally emphasised tiered forms of Building 3 and the previously developed blocks to emphasise a more vertical form with the introduction of a large glazed element which forms a strong visual feature and the 'back bone' for more conventionally clad high rise residential apartments. This form is also adopted for Building 1 introducing a new sense of scale and a new 'state of the art' style of architecture to the development which is a welcome break from the general monotony of form and detailing of the previous built blocks.

Any development in this location would create some degree of shading to the quay side due to its orientation towards the south east. The buildings have been designed to try to maximise sun penetration along the quay side, though this will be limited in late afternoon and evenings, however the primary elevations to Building 1 will have full benefit of late afternoon and evening sun looking onto the main public open space to the west of the site.

As Building 1 and 2 are very tall buildings they will have an impact on the microclimate created around the public realm levels, in particular regarding down drafts and wind funnelling between the buildings.

### Landscaping

Both the previous and current scheme raised the floor level of the public realm around the perimeter of the buildings in order to provide semi basement parking below the retail accommodation. The proposal takes advantage of this raising of ground level to provide split level terraces to the commercial accommodation. The previous approved scheme provided public access through the site from the quay side between the lower 2 blocks, which did not provide a legible route back to Canute Road. However the current proposal improves this considerably by providing a clearly legible route from the quay side between Building 1 and 2 via the frontage and restaurant entrance to Ironside House to Canute Road. The walled terraces are accessed by ramps and steps, and makes a positive contribution by extending the existing promenade in the same architectural manner and with a proposal to use a similar palette of materials and street furniture that is robust in the maritime environment. A condition is required to ensure that the detailed design of these spaces, hard landscaping, materials and street furniture fits well with the existing palette and is of suitably high quality.

High quality lighting is proposed both wall mounted and column mounted, as well as in bollards. Where possible lights should be wall mounted, and the design consistent with the existing palette and is of suitably high quality.

Detailed landscape plans will be required for the podium gardens, roof terraces and hard landscaping areas. All materials, furniture and fixings should be fit for purpose and use in an exposed maritime environment.

### Appearance

All buildings will have significant visual impact on the long distance views from Woolston (Centenary Quay) and the Itchen Bridge as well as medium distance views along Canute Road, in particular, which is a Conservation Area, and the short distance views on the approaches to the site. The current view looking down Canute Road to the east exposes

the long timber boarded west facing elevation of the existing Sirocco building which leans rather intrusively over the small scale of Bank House on the corner of the entrance into Ocean Way and Canute Road. Building 3 will partially block this view potentially reducing the negative visual impact of the Sirocco building however the photomontage on p 136 of the DAS does not clearly show what will be seen of this building. It would be therefore helpful if a CGI could be created much further along Canute Road, close to the railway crossing.

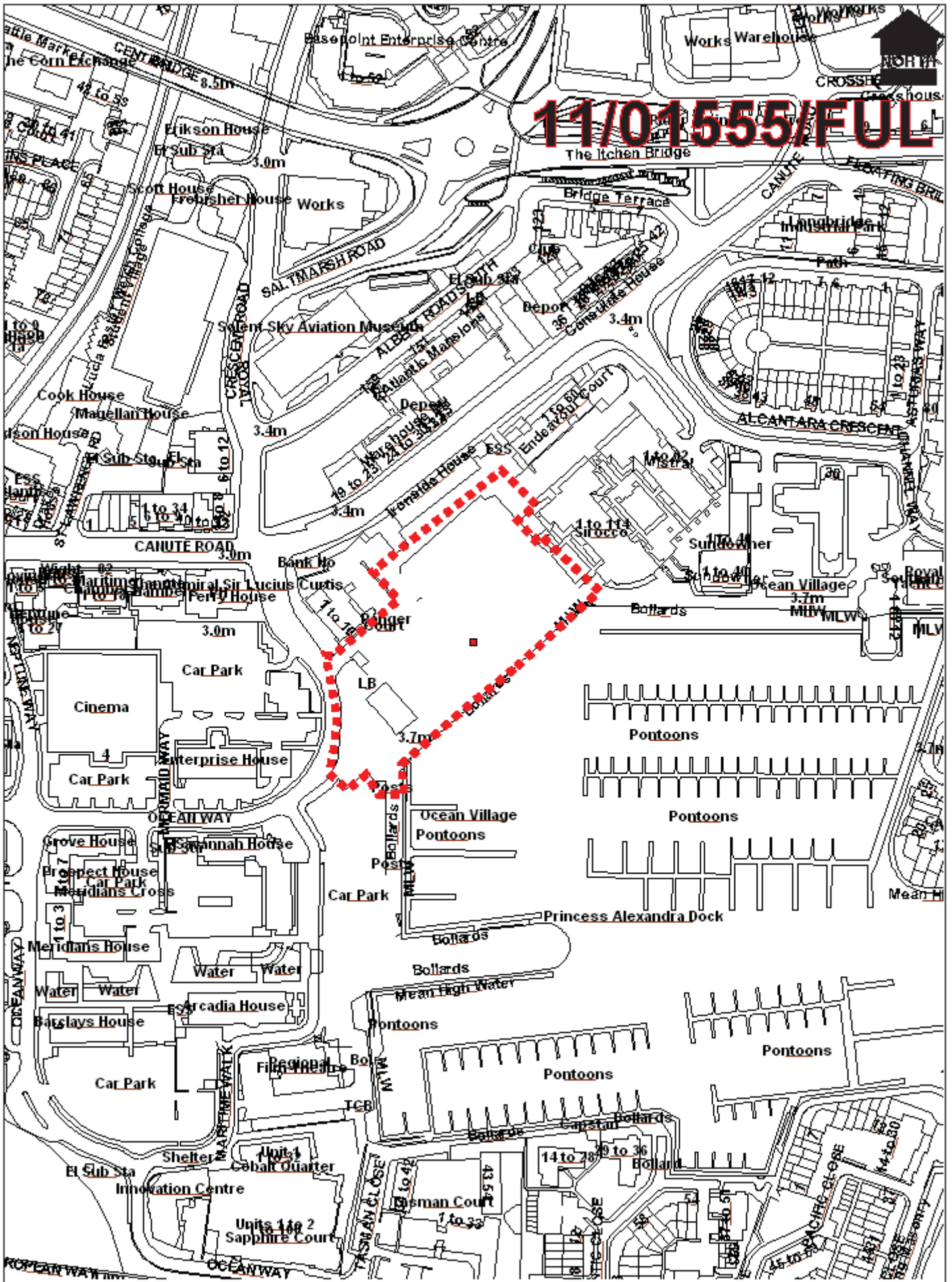
The view from Itchen Bridge shows how Building 1 sits quite comfortably on the skyline, the vertical modelling of the glazed and solid elements, and the glazing itself, reducing its physical mass against the backdrop of the sky. In the CGI Building 2 sits less comfortably adding a bulkiness to the form of Building 1, the glazed element looking more solid in this CGI than it might in reality. In the CGIs the colour scheme proposed for the blocks works reasonably well except for the red terracotta rainscreen which on many of the CGIs stands out inordinately. This is particularly the case in CGI 3 and 4 where the strong terracotta red appears too harsh and potentially too large a scale of building unit when set against the softer reds of the existing development blocks and the historic Bank House with its contrasting Portland Stone quoin stones and detailing.

The use of oxidised copper panelling to emphasise the verticality of primary elevations of Building 1 and 2 works well and this with the proposed glazing system sets an appropriately high quality tone for this location. The secret fix Trespa panelling is also considered appropriate providing that a sophisticated panel arrangement is utilised as depicted.

All materials, furniture and fixings should be fit for purpose and use in a marine environment.

The north entrance to Building 1 does not appear to be fully resolved in relationship to the importance of this elevation on arrival in Ocean Village and its full integration into the streetscene. The residential entrance, although well protected by the undercroft/pilotti arrangement as an entrance to such an important building in the streetscape, by virtue of its height, is very understated and should ideally front onto the main approach from Ocean Way, if this was possible a canopy could be provided to strengthen the legibility of the entrance and reduce impact of down drafts. Equally the entrance to Building 2 is very close to the commercial unit and further thought should be given to give these more visual separation.

Balconies, where provided, appear to be a reasonable size, being at least 2m square, just about large enough for a table for 4 people. However there are several apartments that do not have balconies or roof terrace which is not acceptable. Building 1 has a one bedroom flat west facing on levels 3 to 24 without a balcony. Consideration should be given to including a balcony, possibly by recessing the fenestration to the living room.



11/01555/FUL

Scale : 1:2500

Date : 04 January 2012

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# Agenda Item 6

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 17<sup>th</sup> January 2012**  
**Planning Application Report of the Planning and Development Manager**

|   |   |                             |  |
|---|---|-----------------------------|--|
| <b>Application address:</b><br>Former Dillons Garden Sheds site, Old Redbridge Road   |   |                             |  |
| <b>Proposed development:</b><br>Part retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT Testing and storage purposes together with the retention of 3m high close boarded fencing to the eastern site boundary and siting of a portable building (resubmission of 11/00199/FUL). |   |                             |  |
| <b>Application number</b>   | 11/01506/FUL  | <b>Application type</b>     | FUL                                      |
| <b>Case officer</b>   | Jenna Turner  | <b>Public speaking time</b> | 5 minutes                                |
| <b>Last date for determination:</b>   | 14.11.11  | <b>Ward</b>                 | Redbridge                                |
| <b>Reason for Panel Referral:</b>   | Referred by the Planning and Development Management | <b>Ward Councillors</b>     | Cllr McEwing<br>Cllr Holmes<br>Cllr Pope |

|   |  |
|---|--|
| <b>Applicant:</b> John Rooker and Anthony Frost | <b>Agent:</b> Alan Sayle - Paris Smith LLP |
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|                               |                              |
|-------------------------------|------------------------------|
| <b>Recommendation Summary</b> | <b>Conditionally approve</b> |
|-------------------------------|------------------------------|

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 17.01.12 do not have sufficient weight to justify a refusal of the application. With the removal of the use of unit 3 for the storage and sorting of recycled materials, 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, SDP16, and T12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS6, CS7, CS13, CS19 and CS23 and the Council’s current adopted Supplementary Planning Guidance.

|                          |   |   |                          |
|--------------------------|---|---|--------------------------|
| <b>Appendix attached</b> |   |   |                          |
| 1                        | Previous Panel report and meeting minute. | 2 | Relevant Planning Policy |
| 3                        | Relevant Planning History                 |   |                          |

## Recommendation in Full

**Conditionally approve**

## **1. Background**

- 1.1 This application is a resubmission of planning application 11/00199/FUL which was refused planning permission by the Planning and Rights of Way Panel on the 19th July 2011. A copy of the previous report to panel and the minute from the meeting is included in **Appendix 1** of this report.
- 1.2 In refusing application 11/00199/FUL the Council recognised that some of the units on the site could be acceptable in planning terms subject to the receipt of a satisfactory noise report and the imposition of planning conditions to control and manage the impact of the site. As such, the decision included a requirement for a further planning application in respect to units 2, 4, 5, 6, 7, 8, and 9 accompanied by a noise report, be submitted within two months of the date of the decision. This application has been submitted to address this requirement.
- 1.3 The previous refusal found the current operators of unit 3 (TJM Recyclers) to be unacceptable in terms of both highway safety and the impact on the amenities of local residents. Enforcement proceedings are underway to require the cessation of the use of unit 3 for the storage and sorting of recyclable materials within one month of the Enforcement Notice being served. A verbal update will be provided regarding this at the panel meeting. The current planning application proposes an alternative storage use for unit 3.
- 1.4 In considering the previous application, the Council also found that the operations in units 1, 4, and 10 were acceptable and it was resolved to not take enforcement action in relation to these units.

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

- 2.1 The site and its context are as set out in the previous report to panel attached at **Appendix 1**

## **3. Proposal**

- 3.1 Retrospective planning permission is sought for the following current uses which are operating from the site:
- Unit 1: Office accommodation for painting contractors (Use Class B1)
  - Unit 2: Vehicle repairs and MOT testing (Use Class B2)
  - Units 4 and 5: Storage of site equipment (Use Class B8)
  - Units 7 and 8: Open storage of scrap metal (Use Class B8)
  - Units 9 storage of scaffolding equipment (Use Class B8)
  - Unit 10 storage of commercial vehicles (Use Class B8)
- 3.2 As unit 6 is currently vacant and unit 3 is due to become vacant, it is also proposed that these units be used for general storage purposes (Use Class B8).
- 3.3 The application is accompanied by a noise report, an operational management plan and a transport statement.
- 3.4 The application includes the addition of a portakabin within unit 9 and the retention of a 3 metre high close boarded boundary fence along the south-eastern site boundary.
- 3.5 It is also proposed to lay out 20 car parking spaces and provide on site turning for vehicles that use the site.

## **4.0 Relevant Planning Policy**

- 4.1 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.

- 4.2 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 2**. The site is not allocated for a specific use in the development plan but the Council's usual requirements in respect of protecting residential amenity and highway safety, whilst protecting employment uses as required by policies CS6, SDP1, SDP16 and TI2 are directly relevant.

## **5.0 Relevant Planning History**

- 5.1 The planning history of the site is set out at **Appendix 3**. The previous application for the use of the site for a range of commercial activities was refused planning permission for the impact that the development had on the amenities of the local residents and the impact on highway safety. In particular, the objections received from local residents, the Council's Highway Officer and the Environmental Health Team pinpointed the use of unit 3 for the storage and sorting of recycled materials as being the source of the issues for the site. This impact was reflected in the reasons for refusal and subsequent enforcement proceedings.
- 5.2 The previous reasons for refusal also found that the application submission had not suitably demonstrated that units 2, 4, 5, 6, 7, 8, and 9 on the site could operate without having a harmful impact on residential amenity or highway safety. In particular, a noise report had not been submitted with the application and there were no planning mechanisms in place to control and manage the impacts that these uses may have on the surrounding area.

## **6.0 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (13.10.11). At the time of writing the report **3** representations including a representation made by the Redbridge Residents Association have been received from surrounding residents. The following is a summary of the points raised:
- 6.2 ***Unit 3 continues to be used for the storage and sorting of recyclable materials. The vehicle movements and noise associated with this is harmful to nearby residents.***
- 6.3 **Response**  
The issues relating to the current use of unit 3 are recognised and Enforcement Action is being taken to require the cessation of this use.
- 6.4 ***The development creates noise to surrounding residents including that generated by vehicles associated with the site on Redbridge Lane.***
- 6.5 **Response**  
The submitted noise report demonstrates that the proposed uses would not generate undue levels of noise and the Council's Environmental Health Team agrees with the findings of this report. Conditions are suggested to control the hours of operation and delivery times and the overall management of the site to minimise the impact of the uses on residential amenity.
- 6.6 **SCC Highways** – No objection. Any further comments will be reported verbally at the meeting.
- 6.7 **SCC Environmental Health (Pollution & Safety)** - No objection.

- 6.8 **SCC Environmental Health (Contaminated Land)** - No objection or conditions suggested
- 6.9 **Southern Water** – No objection. Suggests a note to applicant to make aware of the need for a formal application to make a new connection to the public sewerage system.

## **7.0 Planning Consideration Key Issues**

- 7.1 The application needs to be assessed having regard to the planning history of the site and the following key issues:
- i. The principle of development;
  - ii. The impact on the character of the area;
  - iii. The impact on the amenities of neighbours of the site in terms of noise and disturbance and;
  - iv. Parking and highways.

### **7.2 Principle of Development**

- 7.2.1 As set out in the previous report to panel, the principle of retaining the proposed employment uses on a site which has historically been used for commercial purposes is acceptable. Furthermore, the previous reasons for refusal do not preclude the site from being used for commercial purposes.

### **7.3 Character of the area**

- 7.3.1 The physical changes to the site include the retention of a 3 metre high boundary treatment to the south-western boundary of the site and the erection of a portakabin within unit 7. These aspects of the proposal are considered to have a minimal impact on the character of the area and were not considered to represent a reason to refuse planning permission in the determination of the previous application.
- 7.3.2 The areas of open storage also need to be carefully considered in terms of the impact that they may have on the visual amenity of the area. Planning records indicate that the previous use of the site as Dillons Gardens Sheds also involved large areas of open storage which had a similar impact to the areas of open storage now proposed. A management plan submitted with the application recommends a height restriction for stored materials and a condition is recommended to secure this. In addition to this, the use of a condition which restricts storage from taking place outside of the defined areas of the units would help to minimise the impact that the development would have on the character of the area.

### **7.4 Residential Amenity**

- 7.4.1 In refusing the previous application it was found that the intensity of operations associated with unit 3 together with the type of activity within this unit, was resulting in undue noise and disturbance to the neighbouring residents. As such, the cessation of the use of unit 3 for the storage and sorting of recyclable materials will significantly reduce the impact that the site has on the surrounding area.
- 7.4.2 At the previous planning and rights of way panel meeting, the agent for the applicant advised that the current occupiers of unit 3 had been given notice to leave and that this unit would cease operations. A further deadline of Christmas 2011 was later given by the applicants. In the interim period, contact has been made with the Council's Economic Development Team to ascertain whether suitable alternative accommodation could be found for the current tenants of unit 3. As such, the Council has acted fairly and reasonably and measures are now in place to resolve the issues associated with this nuisance neighbour.
- 7.4.3 The submitted noise report demonstrates that the units proposed to be retained are operating within acceptable noise parameters and recommends that a



management plan is put in place to minimise disturbance to surrounding residential uses. The Council's Pollution and Safety team have reviewed this information and are now satisfied that the use of planning conditions can adequately control the retained and proposed uses on the site. As well as restricting the hours of operation, it is also considered necessary to impose conditions to restrict the use of forklifts trucks on the site and to prevent the processing and sorting of materials within the site. This should ensure that the nature of uses change in the future, the site would not generate harmful impacts on local residents.

- 7.4.4 In addition to this, it is also recommended to impose conditions to restrict the height that goods can be stored up to and to prevent storage from occurring within access routes, parking areas or storage areas. Such conditions will contribute to managing the amount of storage that can take place on the site and thereby manage the intensity of operations at the site.
- 7.4.5 It is important to note that the previous and lawful use of the site for the manufacture, storage and sale of timber sheds was unrestricted by planning conditions and so the current proposal allows the Local Planning Authority to introduce control over the operations of the site in the interests of residential and visual amenity.
- 7.4.6 It is therefore considered that the previous reason for refusal in respect of residential amenity has been addressed the removal of the use associated with unit 3 as proposed by the current application submission.
- 7.5 Parking and Highways
- 7.5.1 The previous reason for refusal which related to highway safety specifically referred to the impact of the level of HGV traffic generated by the site, on the highway safety of Old Redbridge Lane. The reason for refusal also refers to the lack of on-site turning facilities for vehicles using the site.
- 7.5.2 In the assessment of the previous application, it was found that a significant proportion of the HGV movements to and from the site were linked to the operations of TJM recyclers from unit 3. The submitted transport information demonstrates that the remaining and proposed uses would generate significantly less HGV traffic and, as such, Highways have raised no objection to the application.
- 7.5.3 In addition to this, in refusing the last application it was found that the operations within unit 3 were overspilling onto the parking and access routes within the site and onto the adjacent public highway. The application submission demonstrates that sufficient on-site parking and an adequate turning area can be provided on the site and a planning condition is recommended to ensure that these areas are laid out and made available for use at all times in accordance with the submitted information.

## **8.0 Summary**

- 8.1 It is considered that the current application submission has adequately demonstrated that the previous reasons for refusal have been overcome. The proposal to retain an employment use on the site is acceptable.

## **8.0 Conclusion**

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

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

1. (a) (b) (c) (d), 2 (b) (c) (d), 7 (a) (v) (w)

**JT for 17/01/12 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 - Specified Uses [performance condition]**

The site shall only be used for the following specified uses:

Unit 1: Office accommodation (Use Class B1)

Unit 2: Vehicle repairs and MOT testing (Use Class B2)

Units 3, 4, 5, 6, 7, 8, 9, 10: General Storage purposes (Use Class B8)

Unit 2 shall not be used for any other purpose whatsoever, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 1991, (or in any equivalent provision in any statutory instrument revoking or re-enacting that Order).

Reason:

To enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

**03. APPROVAL CONDITION - Specified Hours of Use and Deliveries [performance condition]**

Unless the Local Planning Authority agree otherwise in writing the premises to which this permission relates shall not be open for business outside the hours 8am to 6pm Monday to Friday, 9am to 1pm Saturday and at no time on Sundays or recognised Bank Holidays. In addition to this, no deliveries or vehicle movements into or out of the site shall take place outside of the hours specified above.

Reason:

To protect the amenities of surrounding areas.

**04. APPROVAL CONDITION Adequate Car Parking Facilities [performance condition]**

The car parking facilities as shown on the plans hereby approved shall be provided in accordance with the submitted details within one month of the date of this consent and be thereafter retained and made available for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads.

**05. APPROVAL CONDITION - Adequate Turning Space [performance condition]**

The turning space within the site as shown on the approved plans to enable vehicles to

enter and leave in a forward gear shall be provided in accordance with the plans hereby approved within one month of the date of this consent and thereafter be retained and kept clear and made available for that purposes at all times.

Reason:

In the interests of highway safety.

**06. APPROVAL CONDITION – Storage Restriction [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the maximum height of stored or stacked materials from ground level shall not exceed 2.5 metres.

Reason:

In the interests of the visual amenity of the area.

**07. APPROVAL CONDITION - No processing of materials [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the site shall not be used for the processing of stored materials including the breaking or crushing of materials or the burning of any materials.

Reason:

To protect the amenities of occupiers of nearby properties.

**08. APPROVAL CONDITION - Means of Enclosure [performance condition]**

The boundary treatment enclosing the site shall be retained in accordance with the details hereby approved.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of occupiers of neighbouring properties.

**09. APPROVAL CONDITION – Storage Restriction [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority, no materials shall be stored outside of the unit areas as shown on drawing number 1207/10\_01 hereby approved. For the avoidance of doubt, the parking, turning and access routes shall be kept clear from storage.

Reason:

To secure a satisfactory form of development

**10. APPROVAL CONDITION – Restriction of use of Fork Lift Trucks [performance condition]**

Unless otherwise agreed in writing by the Local Planning Authority, no fork lift trucks shall be used on the site.

Reason:

In the interests of the amenities of the neighbouring residential occupiers.

**11. APPROVAL CONDITION – Use of Unit 2 [performance condition]**

Unless otherwise agreed otherwise in writing by the Local Planning Authority, the car repairs and MOT testing carried out from Unit 2 shall only take place within the building itself and not on the forecourt of the premises.

Reason:

In the interests of the amenities of the neighbouring residential occupiers.

**12. 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.

**Minute from Planning and Rights of Way Panel 19.07.11**

**28. DILLONS SHEDS, OLD REDBRIDGE ROAD 11/00199/FUL**

Retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT testing, storage of recycled materials, storage and manufacture of sheet metal acoustic panels, storage of scaffolding equipment, general open storage and car parking area, retention of 3m high fencing and proposed siting of portable building.

Mr Sayle (Agent) and Mrs Toner (Local resident) were present and with the consent of the Chair, addressed the meeting.

UPON BEING PUT TO THE VOTE THE OFFICER RECOMMENDATION TO REFUSE RETROSPECTIVE CHANGE OF USE AND DELEGATE AUTHORITY TO SERVE AN ENFORCEMENT NOTICE (TO UNITS 1 AND 10 ONLY) WAS CARRIED UNANIMOUSLY

RESOLVED that retrospective planning permission for change of use of the premises be refused for the reasons set out below:

(i) that Authority be delegated to the Head of Legal and Democratic Services to:

(a) Upon receipt of an adopted screen opinion from the Planning and Development Manager to serve an Enforcement Notice, requiring the cessation of the unauthorised use of Unit 3 of the former Dillons Shed site. Should the unauthorised use not cease, that authority be given to prosecute such a breach of control, via the Magistrates Court;  
(b) Unless a valid planning application accompanied by a noise report is submitted to the Local Planning Authority within two months of the date of this decision, to serve Enforcement Notices, requiring the cessation of the unauthorised use at Units 2, 4, 5, 6, 7, 8, and 9 of the former Dillons Shed site. Should the unauthorised use not cease, that authority be given to prosecute such a breach of control, via the Magistrates Court; and

(ii) that no enforcement action be taken in respect of the uses in Units 1 and 10 at the current levels of activity.

**REASONS FOR REFUSAL**

**1- Impact on Residential Amenity**

The proposed development by reason of the intensification of the use and level and type of activity (including associated HGV movements) creates noise and disturbance which is harmful to the amenities of occupiers of the neighbouring residential properties. This is having regard to the close physical relationship of the site to the residential neighbours and the cumulative impact of the uses on residential amenity. In particular in the absence of a noise report to the contrary, units 2, 3, 4, 5, 6, 7, 8 and 9 shown on the submitted site plan are considered to represent an unneighbourly form of use for this location. As such, the proposal would prove contrary to the provisions of saved policies SDP1 and SDP16 of the City of Southampton Local Plan Review (adopted version March 2006).

**2 -Highway Safety**

The increase in HGV movements associated with the proposal would be harmful to the safety and convenience of the users of the adjacent highway. This is having regard to the

residential nature of the surrounding streets and the traffic calming measures in place. The proposal would increase pressure on nearby junctions including the Redbridge roundabout and result in an increase risk of vehicle conflict. In addition to this, the proposal is not designed with adequate on-site turning for HGV which could lead to further harm to the safety and convenience of the users of the adjacent highway and within the site itself. As such the proposal is contrary to policies CS19 of the Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and saved policies SDP1, SDP4 and TI2 of the City of Southampton Local Plan Review (adopted version March 2006).

### 3 - Insufficient Information

In the absence of a noise report, the Local Planning Authority is not satisfied that the uses operating from units 2, 3, 4, 5, 6, 7, 8, and 9 do not cause harm to the amenities of the occupiers of the neighbouring residential properties through noise and disturbance. As such the proposal would prove contrary to the provisions of saved policies SDP1 and SDP16 of the City of Southampton Local Plan Review (adopted version March 2006).

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 19<sup>th</sup> July 2011  
Planning Application Report of the Planning and Development Manager**

|   |  |                             |  |
|---|--|-----------------------------|--|
| <b>Application address:</b><br>Dillons Garden Sheds Ltd, Old Redbridge Road   |  |                             |  |
| <b>Proposed development:</b><br>Retrospective change of use from previous use for manufacture and sale of timber sheds to use for painting contractors premises, vehicle repair and MOT testing, storage of recycled materials, storage and manufacture of sheet metal acoustic panels, storage of scaffolding equipment, general open storage and car parking area, retention of 3m high fencing and proposed siting of portable building. |  |                             |  |
| <b>Application number</b>   | 11/00199/FUL                                     | <b>Application type</b>     | FUL                                      |
| <b>Case officer</b>   | Jenna Turner                                     | <b>Public speaking time</b> | 5 minutes                                |
| <b>Last date for determination:</b>   | 07.06.11   | <b>Ward</b>                 | Redbridge                                |
| <b>Reason for Panel Referral:</b>   | Referred by the Planning and Development Manager | <b>Ward Councillors</b>     | Cllr Holmes<br>Cllr McEwing<br>Cllr Pope |

|                                       |  |
|---------------------------------------|--|
| <b>Applicant:</b> Mr Rooker And Frost | <b>Agent:</b> Paris Smith Llp (Alan Sayle) |
|---------------------------------------|--|

|                               |  |
|-------------------------------|--|
| <b>Recommendation Summary</b> | <ol style="list-style-type: none"> <li>1. <b>Refuse</b></li> <li>2. <b>Delegate to the Planning and Development Manager to authorise the service of an Enforcement Notice</b></li> </ol> |
|-------------------------------|--|

### Reasons for Refusing Planning Permission

#### REFUSAL REASON – Impact on Residential Amenity

The proposed development by reason of the intensification of the use and level and type of activity (including associated HGV movements) creates noise and disturbance which is harmful to the amenities of occupiers of the neighbouring residential properties. This is having regard to the close physical relationship of the site to the residential neighbours and the cumulative impact of the uses on residential amenity. In particular in the absence of a noise report to the contrary, units 2, 3, 6, 7, 8 and 9 shown on the submitted site plan are considered to represent an unneighbourly form of use for this location. As such, the proposal would prove contrary to the provisions of saved policies SDP1 and SDP16 of the City of Southampton Local Plan Review (adopted version March 2006).

#### REFUSAL REASON – Highway Safety

The increase in HGV movements associated with the proposal would be harmful to the safety and convenience of the users of the adjacent highway. This is having regard to the

residential nature of the surrounding streets and the traffic calming measures in place. The proposal would increase pressure on nearby junctions including the Redbridge roundabout and result in an increase risk of vehicle conflict. In addition to this, the proposal is not designed with adequate on-site turning for HGV which could lead to further harm to the safety and convenience of the users of the adjacent highway and within the site itself. As such the proposal is contrary to policies CS19 of the Southampton Local Development Framework Core Strategy Development Plan Document (January 2010) and saved policies SDP1, SDP4 and TI2 of the City of Southampton Local Plan Review (adopted version March 2006).

| <b>Appendix attached</b> |                   |   |                           |
|--------------------------|-------------------|---|---------------------------|
| 1                        | Site plan of uses | 2 | Development Plan Policies |
| 3                        | Planning History  |   |                           |

### **Recommendation in Full**

1. That the application be refused for the two reasons set out above and;
2. Delegate to the Planning and Development Manager to serve an Enforcement Notice, requiring the cessation of the unauthorised uses of the former Dillons Shed site to cease with the exception of units 1, 4, 5 and 10. Should that unauthorised use not cease, that authority be given to prosecute such a breach of control via the Magistrates Court.

#### **1. Background**

- 1.1 Until 2009 the application site was used for the manufacture, storage and sales of garden sheds. This was a Sui Generis use which means the mixture of use did not fall comfortably into a specific Use Class and planning permission is therefore needed for any subsequent material change of use.
- 1.2 Following the site being vacated by Dillons Sheds Ltd, the site was then let out to five different businesses. Since these uses have not operated from the site for a period of 10 or more years, a lawful use certificate cannot be obtained. Following the receipt of complaints regarding the new uses operating from the site, the Council served a Planning Contravention Notice (26.02.10) on the site owners and on receipt of the response to the notice, invited a planning application to be submitted to regularise the new uses. This planning permission therefore seeks to regularise the existing uses operating from the site.

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

- 2.1 The application site is an irregular piece of land which is accessed from Old Redbridge Road. The Redbridge Road frontage is bounded by 2 metre high palisade fencing. The site itself contains two buildings, a single-storey pitched roof building adjacent to the north-east boundary, and a large single-storey warehouse building adjacent to the southern site boundary.
- 2.2 The companies which are currently operating from the site are diverse in nature and in planning terms are a mixture of Use Class B1 (offices), Use Class B2 (General Industrial) and Use Class B8 (Storage and Distribution).
- 2.3 To the north-west of the site lies the Redbridge Causeway flyover and adjacent to the southern site boundary is the main railway line, with the River Test beyond this. The site lies within flood zone 2. The site is also neighboured by residential



properties and the surrounding area is predominantly residential in character.

### **3. Proposal**

3.1 Retrospective planning permission is sought for the current uses which are operating from the site which are listed as follows:

- Unit 1: Office accommodation for contractors (Use Class B1);
- Unit 2: MOT testing and Vehicle Repairs (Use Class B2);
- Unit 3: TJM Recyclers for the sorting and storage of recyclable materials;
- Units 4 -5: Storage of site equipment
- Unit 6: Manufacturing and storage of acoustic panels (Use Class B2/B8);
- Unit 7 & 8: Storage of Scrap Metal (Use Class B8);
- Unit 9: JPS Scaffolding for the storage of scaffolding (Use Class B8) and;
- Unit 10: Storage of commercial vehicles.

The locations of the uses on the site are shown on the layout plan in **Appendix 1** of this report. Units 1 and 2 are contained within a single-storey building which lies to the north-east of the site. Unit 3 is located adjacent to the south-east corner of the site and includes a yard and an open-sided structure. Units 4 to 6 are contained within the large warehouse building adjacent to the southern boundary. The other storage uses take place in the open.

3.2 The application states that a total of 26 car parking spaces can be provided on site although these spaces are not formally laid out on site.

3.3 A total of 10 people are employed at the site and the hours of operation are 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 on Saturdays.

3.4 The application also seeks retrospective planning permission for 3 metre high close boarded fencing which has been erected along the south-eastern site boundary which abuts Tate Court.

3.5 The proposal also involves the addition of a portakabin within the Unit 9 area.

### **4. Relevant Planning Policy**

4.1 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.

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 2**. The site is not allocated for a specific use in the development plan but the Council's usual requirements in respect of protecting residential amenity and highway safety as required by policies SDP1, SDP16 and TI2 are directly relevant.

### **5. Relevant Planning History**

- 5.1 The planning history of the site is set out at **Appendix 3**. The site has historically been used for commercial activities, although the exact planning uses are not clear, it is considered that general and light industrial type uses have operated from the site in the past.

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

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (18.04.11). At the time of writing the report **8** representations have been received from surrounding residents. The following is a summary of the points raised:

- 6.2 ***Unit 3 which is operated for the storage of recycled materials, also carries out the processing of the materials which creates noise and disturbance to the nearby residential properties and gardens.***

### Response

It is clear from the site visits carried out by both the Planning and Environmental Health Team that the recycling company operating from unit 3 on the site also processes the recycled materials on site and is therefore operating as a waste transfer station. The activity associated with this takes place in the open and therefore is generating noise and disturbance to neighbouring residential properties.

- 6.3 ***The noise generated by the current users of the site is greatly in excess of the impact from the previous occupiers (Dillons Sheds).***

### Response

Agree. This is discussed in more detail in the planning consideration section below.

- 6.4 ***The speed humps in Old Redbridge Road exacerbates the noise of vehicles as they travel to the site.***

### Response

Agree in part. This is discussed in more detail in the Planning Consideration section below.

- 6.5 ***The business currently operates outside of the hours indicated in the planning application.***

### Response

As the development is unauthorised, there are currently no planning controls over the hours of operation and if the recommendation to refuse is supported, the uses would need to be addressed through the appropriate enforcement channels.

- 6.6 ***The businesses are generating additional parking and storage of materials on the adjacent public highway which is causing highway safety issues***

### Response

Agree. This is a symptom that the proposal represents an over-intensive use of the site.

- 6.7 ***The site is too small to accommodate the number of uses proposed and this disturbs residential neighbours.***

### Response

Agree. It appears that the current portfolio of uses are too intensive for the site.

This is discussed in more detail in the Planning Considerations section below.

6.8 ***The condition of the site has an adverse visual impact on the area.***

Response

The visual appearance of the site is reflective of its commercial nature and having regard to the historic commercial nature of the site, on balance is considered to be acceptable.

6.9 **Consultation Responses**

6.10 **SCC Highways** - Objects. The number of HGV trips associated with the site is significantly greater than the previous use. Old Redbridge Road being a traffic-calmed residential street is unsuitable for these vehicles and furthermore the proposal would result in increased pressure on nearby junctions, creating an increased risk of conflict.

6.11 **SCC Environmental Health (Pollution & Safety)** - Objects. Raises concerns with units 2, 3, 6 and 9 particularly in the absence of an acoustic report.

6.12 **Southern Water** - No objection. Suggests a note to applicant to advise of the application requirement for connection to the public sewerage system.

6.0 **Planning Consideration Key Issues**

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

- v. The principle of development;
- vi. The impact on the character of the area;
- vii. The impact on the amenities of neighbours of the site in terms of noise and disturbance and;
- viii. Parking and highways.

6.2 **Principle of Development**

6.2.1 The site is not allocated for a specific use within the development plan; however the principle of retaining employment uses on this previously developed site which has been historically used for commercial purposes, is acceptable. Furthermore, the previous refusal of residential development on this site indicates that the site is not necessarily suitable for non-commercial use.

6.2.2 The site lies within an area of high flood risk; however, the proposed uses are not defined as 'sensitive' to a flood event. Furthermore, since no external changes or alterations are proposed the development would not increase the likelihood of a flood event occurring and the proposal accords with Core Strategy policy CS20.

6.3 **Character of the area**

6.3.1 The surrounding area is predominantly residential in nature and in visual terms, the proposed uses are not necessarily sympathetic to a residential environment. The proposed uses on the site involve open storage, a large amount of which is visible from Old Redbridge Road. However, the site has been historically used for commercial purposes and photographs on the planning file indicate that large areas of the site were also used for open storage. On balance therefore, it is considered from a character and appearance perspective, the retention of some form of commercial development is acceptable in principle.

- 6.3.2 The additional fencing which has been erected is not readily visible from public vantage points and goes some way in screening the site from its residential neighbours. As such, the proposed fencing is considered to be acceptable from a character and design perspective.
- 6.4 Residential Amenity
- 6.4.1 The proposed portakabin would be located away from boundaries with residential neighbours and as such would not have a significant impact on residential amenity. Whilst the 3 metre high fencing does create a sense of enclosure to the occupants of Tate Court beyond the south-eastern site boundary, this impact is considerably less than the shed which was previously located immediately adjacent to this boundary. As such, the fencing is considered acceptable from a residential amenity perspective.
- 6.4.2 The central issue in the consideration of the proposal's impact on residential amenity is whether the noise and activity associated with the proposed uses causes harm to the nearby residential occupiers. This impact needs to be balanced against the previous use of the site which involved the manufacture of sheds within the large warehouse building, the storage of sheds in the open yard areas and retail sales, which took place in the single storey building towards the front of the site. Based upon the letters of objection received and the officers' visits to the site, there is clearly variation in the degree of impact from the respective uses and so each use is discussed in turn below.
- 6.4.3 In addition to this however, the cumulative impact of the uses also needs to be taken into consideration. The site has been divided into a number of separate planning units which operate independently of each other. When compared with the previous single operator of the site, the site is therefore used more intensively. The site cannot therefore, be managed to locate activities where they could minimise disturbance to residential occupiers. For example, when used by Dillons Ltd, the manufacturing use, which is the potentially noisy element of the operation, was confined to the warehouse building. It is therefore, considered that the level of intensity associated with the proposal is excessive, and this is clear by the manner in which the activities of individual uses are spilling onto access and parking areas within the site leading to subsequent over-spill parking of vehicles onto the surrounding public highway land.
- 6.4.4 **Unit 1 Office accommodation**  
This unit is used as offices which do not provide a direct service to the general public. It is considered that such a use does not generate undue noise and disturbance and would not therefore have a harmful impact on residential amenity.
- 6.4.5 **Unit 2 MOT testing and Vehicle Repairs**  
The workshop bay associated with this unit lies in close proximity to the boundary with 49 Old Redbridge Lane which is a two-storey block of flats. This building has windows serving habitable rooms which directly face onto the application site and are within close proximity of the site boundary (between 2 and 4 metres). As such, this use has the potential to have a harmful impact on residential amenity. The application is not accompanied by a noise report to demonstrate that the use is acceptable from a noise perspective and in the absence of this information, and based on their own observations, Environmental Health officers are not satisfied that this use is acceptable.

#### 6.4.6 **Unit 3 Storage and sorting of recyclable materials**

The use of Unit 3 is described by the applicants as a purely storage unit, however based upon observations on the site, it appears that the unit is being used to sort recyclable materials (Sui Generis use). Whilst this unit includes a warehouse structure, this building is open sided and therefore does little to contain any noise that the use generates. This unit also abuts two boundaries with two blocks of flats at Tate Court.

6.4.7 Materials associated with this use are stored in skips in the open yard area. It was clear from the site visit that the activity associated with this use also appears to have grown beyond the confines of Unit 3 as shown on the submitted site plan, with storage also taking place on an area illustrated for six car parking spaces on the submitted drawings. The materials being stored and sorted here range from timber, building materials, electrical items and cardboard. The noise generated from this unit occurs as skips arrive and depart from the site and as materials are sorted at the site. As such, and particularly having regard to the proximity of the use to residential properties, this operation is considered to be harmful to amenity. In addition to this, the size and nature of vehicles associated with this use, together with the frequency of vehicle trips, is also considered to generate undue noise and disturbance to nearby occupants in Old Redbridge Lane.

#### 6.4.8 **Unit 4 -5 Storage of site equipment**

This use takes place within the large warehouse building to the south of the site. Based upon the officers' site visit, this use does not currently appear to generate undue noise and disturbance to residential amenity and it is considered that had the recommendation been to approve, appropriate planning conditions could be imposed to prevent harm to residential amenity.

#### 6.4.9 **Unit 6 Manufacturing of acoustic panels and sheet metal**

This use also takes place within the large warehouse building adjacent to the southern site boundary. Based upon observations on site, this use does not appear to generate significant levels of noise. Furthermore, the proposed use is similar to the previous Dillons Shed use which also carried out manufacturing operations within this building. Environmental Health officers have advised that the submission of an acoustic report is necessary to clearly demonstrate the acceptability of this use and that it is likely that had the recommendation been to approve, planning conditions could be used to limit disturbance to the occupiers of neighbouring residential properties.

#### 6.4.10 **Unit 7 & 8 Storage of Scrap Metal**

These units provide open storage for scrapped vehicles. Based upon observations on site, it is clear that vehicles are not processed on the site and the act of storage itself, it not considered unduly harmful to residential amenity. Again, planning conditions could be used to control this use.

#### 6.4.11 **Unit 9 Storage of scaffolding**

This unit involves the open storage of scaffolding within a yard bounded by 2 metre high palisade fencing. This yard can be secured outside of operating hours. Currently, a two-storey height portakabin is also sited within this unit. Again, the act of storage itself does not generate noise although Environmental Health Officers have advised there is a potential for a noise issue to arise as scaffolding is loaded and unloading.

#### 6.4.12 **Unit 10 Storage of commercial vehicles**

This unit involves the open storage of commercial vans adjacent to the front site boundary. Again, this use is not considered to create undue noise and disturbance to residential amenity.

#### 6.5 Parking and Highways

6.5.1 In terms of parking, it is important to note that the parking spaces indicated on the plans are not formally laid out and form further storage areas. The only parking spaces which appear to be available on site are the four spaces which lie adjacent to the front site boundary, to the north of the office unit. As discussed above, this is symptomatic that the proposed development is an over-intensive use of the site. In addition to this, it is not clear from the submitted plans, or on site how HGV's would turn on site. Currently it appears that HGV's serving Unit 3 would have to reverse a distance of approximately 68 metres. This presents a highway safety issue on the site itself.

6.5.2 Whilst the submitted Transport Assessment indicates that the trip rates associated with the proposed uses are only marginally greater than those associated with the previous use, the nature of these trips are significantly different. In particular, the recycling company operating from Unit 3 involves a number of HGV movements on a daily basis, where as the previous use typically had smaller vehicle movements associated with it. The Highway officer has raised concern that the routes of the HGV traffic, as provided in the submitted Transport Assessment, are not acceptable for use by regular HGV traffic. In particular, the high level of on-street car parking and traffic calming measures within Old Redbridge Road and the associated pressure at nearby junctions is restrictive to HGV access and harmful in highway safety terms.

#### 7.0 Summary

7.1 The office use operating from Unit 1, and the storage uses in Units 4, 5 and 10 are considered to be acceptable. Subject to the receipt of a satisfactory noise report with respect to units 2, 6, 7, 8 and 9 these uses may be able to be adequately controlled by planning conditions. If planning applications are submitted for these units which can resolve the noise issues satisfactorily then the enforcement action would not proceed against these units. However, the operations associated with Unit 3 are considered to be harmful to residential amenity and moreover, the overall intensity, noise, activity and vehicle activity associated with the site of the whole are considered to be harmful to residential amenity and highway safety.

#### 8.0 Conclusion

8.1 For the reasons set out above the application is recommended for refusal.

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

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

1. (a) (b) (c) (d), 2 (b) (c) (d), 7 (a) (v) (w)

**JT for 19/07/11 PROW Panel**

**Unit 10 – Commercial vehicle storage**



**Unit 1 – Office  
Unit 2 – MOT & Car Repairs**



**Units 7 - 9: Scrap metal and scaffolding storage**



**Unit 3 – TJM Recyclers**



**Units 4 -6 Sheet metal/acoustic panel manufacturers**



**Proposed fencing**



**POLICY CONTEXT**

Core Strategy - (January 2010)

|      |                               |
|------|-------------------------------|
| CS6  | Economic Growth               |
| CS7  | Safeguarding Employment Sites |
| CS13 | Fundamentals of Design        |
| CS19 | Car & Cycle Parking           |
| CS23 | Flood Risk                    |

City of Southampton Local Plan Review – (March 2006)

|       |                             |
|-------|-----------------------------|
| SDP1  | Quality of Development      |
| SDP4  | Development Access          |
| SDP5  | Parking                     |
| SDP7  | Urban Design Context        |
| SDP8  | Urban Form and Public Space |
| SDP9  | Scale, Massing & Appearance |
| SDP10 | Safety & Security           |
| SDP16 | Noise                       |
| TI2   | Vehicular Access            |

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

PPG13 Transport (January 2011)

PPG24 Planning and Noise (October 1994)

PPS 25 Development and Flood Risk (December 2006)

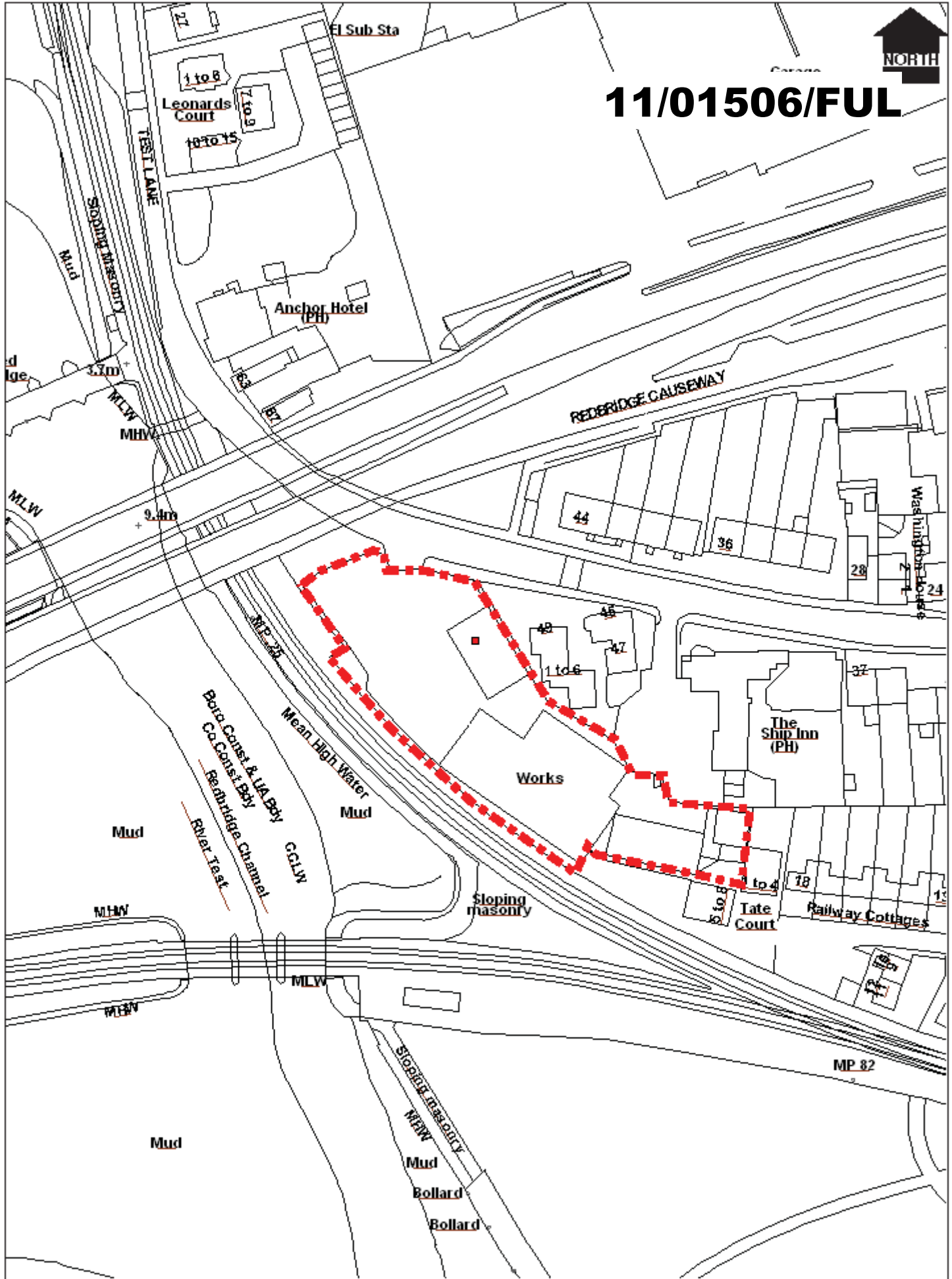


**Relevant Planning History**

|   |                                 |
|---|---------------------------------|
| 1247/P22<br>Rebuild factory   | Conditionally Approved 09.07.63 |
| 1250/50<br>Workshop   | Conditionally Approved 24.09.63 |
| 1296/75<br>Steel-framed storage building  | Conditionally Approved 01.09.64 |
| 1289/P1<br>Extension of mill  | Conditionally Approved 03.08.65 |
| 1464/P28<br>Covered area for timber store   | Conditionally Approved 25.09.73 |
| 1496/W5<br>Replace workshop   | Conditionally Approved 04.11.75 |
| 1537/W15<br>Two rail coaches on land between railway cottages and Tate Road, use as light industrial  | Conditionally Approved 25.04.78 |
| 941477/W<br>Alterations and repairs to existing buildings and retention of new chain link fencing and gates   | Permitted 12.01.96              |
| 05/01543/FUL<br>Proposed redevelopment of the site by the erection of four buildings (three-storey and five-storey) to provide 52 flats (44 x 2 bedroom, 8 x 1 bedroom) with associated parking and highway works following the demolition of the existing buildings. | Refused 30.01.06                |



**11/01506/FUL**



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Date: 04 January 2012

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# Agenda Item 7

**Southampton City Planning & Sustainability  
Planning and Rights of Way Panel meeting 17 January 2012  
Planning Application Report of the Planning and Development Manager**

|  |                                     |                             |   |
|--|-------------------------------------|-----------------------------|---|
| <b>Application address:</b><br>45 The Parkway, SO16 3PD  |                                     |                             |   |
| <b>Proposed development:</b><br>Retention of engineering operations to terrace rear garden with associated landscaping to lower retaining wall |                                     |                             |   |
| <b>Application number</b>  | 11/01855/FUL                        | <b>Application type</b>     | FUL   |
| <b>Case officer</b>  | Steve Lawrence                      | <b>Public speaking time</b> | 5 minutes   |
| <b>Last date for determination:</b>  | 1.2.2012                            | <b>Ward</b>                 | Bassett   |
| <b>Reason for Panel Referral:</b>  | Complex planning enforcement matter | <b>Ward Councillors</b>     | Councillor B Harris<br>Councillor L Harris<br>Councillor Hannides |

|                              |   |
|------------------------------|---|
| <b>Applicant:</b> Mrs N Kaur | <b>Agent:</b> Paris Smith Solicitors (Mr A Sayle) |
|------------------------------|---|

|                               |                              |
|-------------------------------|------------------------------|
| <b>Recommendation Summary</b> | <b>Conditionally approve</b> |
|-------------------------------|------------------------------|

## **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 a recent Appeal decision dated 25 July 2011, impact on the character and appearance of the area and neighbouring residential amenities have been considered and are not judged to have sufficient weight to justify a refusal of the application. Where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, 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).

|                          |   |   |                           |
|--------------------------|---|---|---------------------------|
| <b>Appendix attached</b> |   |   |                           |
| 1                        | Planning Appeal decision dated 25 July 2011 | 2 | Development Plan Policies |

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The site comprises a two-storey detached property located on the south-western side of The Parkway between the junctions with Grendon Close and Courtland Gardens. The property has a 22 m long rear garden. Ground levels rise some 5.2

metres north to south along the plot from the vehicular carriageway to the rear boundary shared with 31 and 33 The Parkway.

- 1.2 The application property is flanked at its sides by two further, two storey, detached houses, No. 47 to the west being set back from 45's rear build line by about 5.5 metres. Whilst the garden to 43 gently slopes downwards, No. 47's has been terraced.

## **2.0 Proposal**

- 2.1 The application proposes retention of engineering works which have taken place to terrace the rear garden into three levels, including brick retaining walls and steps between each level. From the rear wall of the property to the common rear boundary with 31 and 33 The Parkway, ground levels rise by some 3.5 m. In terms of the terracing that has taken place, the first retaining wall which is 1.65 m high, is set about 10m away from the back wall of the house. The mid terrace is some 6m deep before the second retaining wall of 1.7 m height, which then leads to the upper terrace area which tapers between 3 and 4.5 m abutting the rear boundary, which is marked by some mature trees (not covered by a Tree Preservation Order). The lower and mid terraces have been laid to turf. Each terrace is linked by a set of steps, set just off the common boundary with 47 The Parkway.
- 2.2 A planting scheme has been put forward for the lowest retaining wall to soften its appearance. This is to be amended following comments by the City Council's Landscape Architect so as to improve the density of planting, appropriateness of species chosen. The agent has agreed to submit this and an update will be given at the meeting.
- 2.3 The agent has submitted a supporting statement which asserts that the applicant has complied with the Enforcement Notice and concludes that retention of the lower level retaining wall is justified on the grounds that:-
  - It is no higher than the adjacent boundary treatment along the side boundaries of the garden and in keeping with the scale and appearance of the boundary walls;
  - It is similar in character to the original garden and causes no harm;
  - It is in keeping with other gardens in the surrounding area and is a consequence of the changes in ground levels across the site and within the surrounding area;
  - It does not result in any significant overlooking of neighbouring houses;
  - Planning conditions requiring landscape treatment could be imposed if considered necessary; and,
  - A brick wall up to 2 m in height could be built in the garden without the need for planning permission.

## **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 2**.
- 3.2 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.

- 3.3 There are no particular provisions of the Residential Design Guide which offer guidance on the design of engineering works to garden levels, but considerations of outlook under paragraph 2.2.1 and the influence of topography on built form separations under paragraph 2.2.6-2.2.7 have general relevance in this case.

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

4.1 The Planning Enforcement Team received a complaint (23.11.2010 - 11/00142/ENUDEV) concerning works which were taking place in the rear garden of 45 The Parkway. These included substantial terracing and the construction of a brick outbuilding on the western side of the middle terrace, whose roofline was broadly contiguous with the level of the upper terrace and whose southern face was flush with the face of the retaining wall between the lower and upper terraces.

4.2 The owner (advised by a different agent to the current agent) asserted that the works being undertaken were permitted development. Enforcement action was taken and a Stop and Enforcement Notice were served 25.1.2011. The breach of planning control alleged in the notice is without planning permission (1) the construction of a brick built, single storey outbuilding and (2) associated engineering operations including importation of fill and land raising to enable the construction of steps and 2 terraces to facilitate access to and support of the outbuilding. The Enforcement Notice became effective 56 days after its service and required:-

- (i) remove the part built single storey outbuilding and associated steps and terraces; and,
- (ii) remove from the land all building materials and rubble arising from compliance with requirement (i) and restore the land to its previous levels and condition.

An Appeal against this Notice was lodged. The Appeal was only lodged on Ground 'C', which is to say the appellant considered the works did not require planning permission and were permitted development. Ground 'A', was not for consideration by the Inspector, whose decision dated 25 July 2011 is reproduced as **Appendix 2**. The 56 day period for compliance therefore ran from the date of the Inspector's decision.

4.3 Subject to a minor adjustment to the Enforcement Notice, the Inspector ruled that the works – including the brick shed, which formed an integral part of a retaining wall – represented engineering operations that required planning permission. In terms of the Appeal lodged on Ground 'C', the Inspector concluded the Appeal should be dismissed and upheld the (adjusted) Enforcement Notice, requiring that by 19 September 2011, the works specified in 4.2 above should be undertaken.

4.4 On 1.9.2011 a site meeting was held with the current agent. The agent proposed that the brick outbuilding be removed and the height of the retaining wall to the upper terrace be reduced in height by 0.5m and asked the local planning authority to confirm that these works would result in compliance with the upheld Enforcement Notice. The agent was later advised 5.9.2011 that these works would not meet the full requirements of the Notice, which essentially required the garden levels to be

returned to their previous levels. It was acknowledged however that the only indication of what those levels may have been was an estate agent's photograph of the rear garden prior to the works having taken place. This photograph will be shown to the Panel during the officer presentation, along with aerial photography. The photograph is available on the file.

- 4.5 On 16.9.2011 a further e-mail of concern was received from the original complainant, on the basis that the full requirements of the Notice had not been undertaken. A letter expressed further concern that the depth of the middle terrace could later allow for the installation of a large permitted development outbuilding, which would then seriously impact the amenities of adjoining occupiers, whether visually and/or by adverse impact to their privacy. This letter is available on the file.
- 4.6 The current application has now been submitted to seek to address those concerns, where it is asserted that the requirements of the Notice were too vague and that subject to softening the appearance of the lower retaining wall, the terracing works are considered to be acceptable and should be granted planning permission, remembering that the Inspector was not considering the merits of the works that had been undertaken, merely the reasonableness of the Notice's requirements.

## **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 **no** representations have been received. Any that are received will be reported at the meeting.

## **6.0 Planning Consideration Key Issues**

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

### **6.2 Impact on the character and appearance of the area**

- 6.2.1 Being in the back garden, there are only very limited public realm views of that part of the site through the gap between 45 and 47 The Parkway, where only the upper terraced level of 45's back garden is visible. A public footway flanks No. 47, but views of the application site's rear garden are prevented by 1.8m high boundary fencing.
- 6.2.2 From the available information prior to the works taking place, it is clear that the rear garden comprised a number of levels, which were softened by mature planting. As the presentation will show, the garden at 47 also comprises a number of terraced levels. Whereas tree planting on the common boundary with No 47 has been removed, which previously afforded some degree of privacy between the gardens and from the upper levels of No. 45's garden and windows to habitable rooms in the rear elevation of No. 47, particularly bedroom windows at first floor level, bearing in mind that the rear build line of No 47, sits behind that of No. 45. This has been mitigated to a degree by the erection of new close boarded fencing, which steps down the common boundary, generally around 1.8m in height.
- 6.2.3 Whereas the current appearance of the brick retaining walls is rather stark in the context of otherwise verdant and mature domestic gardens the character of the surrounding area has not been adversely affected and the appearance of the lower

retaining wall will be softened by the proposed planting scheme. There is no objection to the quality and appearance of the brick that has been used for the retaining walls, merely the stark appearance of such a mass of brickwork that has been undertaken.

### 6.3 Impact on Residential Amenity

- 6.3.1 It is important to note that the Inspector was not being asked about the acceptability of the works that were the subject of the Enforcement Notice.
- 6.3.2 It is also important to note that even if the works had not been undertaken, the owner could have still erected a substantial outbuilding, cut into the slope of the rear garden, under the General Permitted Development Order 1995 (as amended). Here, the local planning authority would have had no control over the location of such a structure, whose upper permitted height would have been measured from the point where the base of the external wall, would be from the top of the roof slope. That is to say, the height of the external wall at the bottom of the garden slope could greatly exceed an average storey height of 2.7 metres and pose a far more imposing structure than the brick outbuilding that has recently been removed. Such a structure could have been closer to the common boundary with 47 The Parkway and had a far more deleterious effect on occupiers of that property than the brick outbuilding that has recently been demolished in accordance with the Enforcement Notice. Furthermore, if a flat roof was to be employed for such a permitted structure, there would be no control over its use as an unenclosed sun terrace/recreational space, which could have resulted in very intrusive overlooking of neighbours.
- 6.3.3 The extent and massing of the brickwork to the lower retaining wall does still pose a very stark feature and is considered to harm the outlook of occupiers of adjoining properties. As such, the (amended) planting scheme offered by the applicant is welcomed and will considerably soften the outlook to neighbours.
- 6.3.4 Having regard to the considerations in paragraph 6.3.2 above, it is considered prudent and reasonable to remove permitted development rights related to outbuildings if the current terracing is to be retained. In this way, the merits and design of any outbuilding (if desired in the future by the owner) can be carefully considered and controlled to protect the amenities and privacy of occupiers of adjoining properties.

### 7.0 Conclusion

- 7.1 The proposed planting scheme will soften the terracing works so as to not cause harm to neighbouring outlook and the character or appearance of the local area. Removal of permitted rights for new outbuildings will also safeguard/control the future privacy and outlook of neighbours.
- 7.2 If conditions relating to planting are complied with, it is considered that no further enforcement action need be taken in respect of this matter.

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

1(a), 1(b), 1(d), 2(b), 2(d), 4(f), 6(c), 7(a), 7(e), and 10 (a) & (b)

**PLANNING CONDITIONS**

**1. 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.

**2. APPROVAL CONDITION - Permitted development restriction [Performance Condition]**

No outbuildings otherwise permitted under Class E to Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (As amended), shall be erected without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

**3. APPROVAL CONDITION – Implementation/maintenance of soft planting [Performance Condition]**

The amended soft planting scheme received (***date to be inserted and reported verbally at the meeting***) shall be fully implemented by 28 February 2012. Once implemented the planting shall be maintained. Any 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 site owner 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 site owner shall be responsible for any replacements for a period of 5 years from the date of planting.

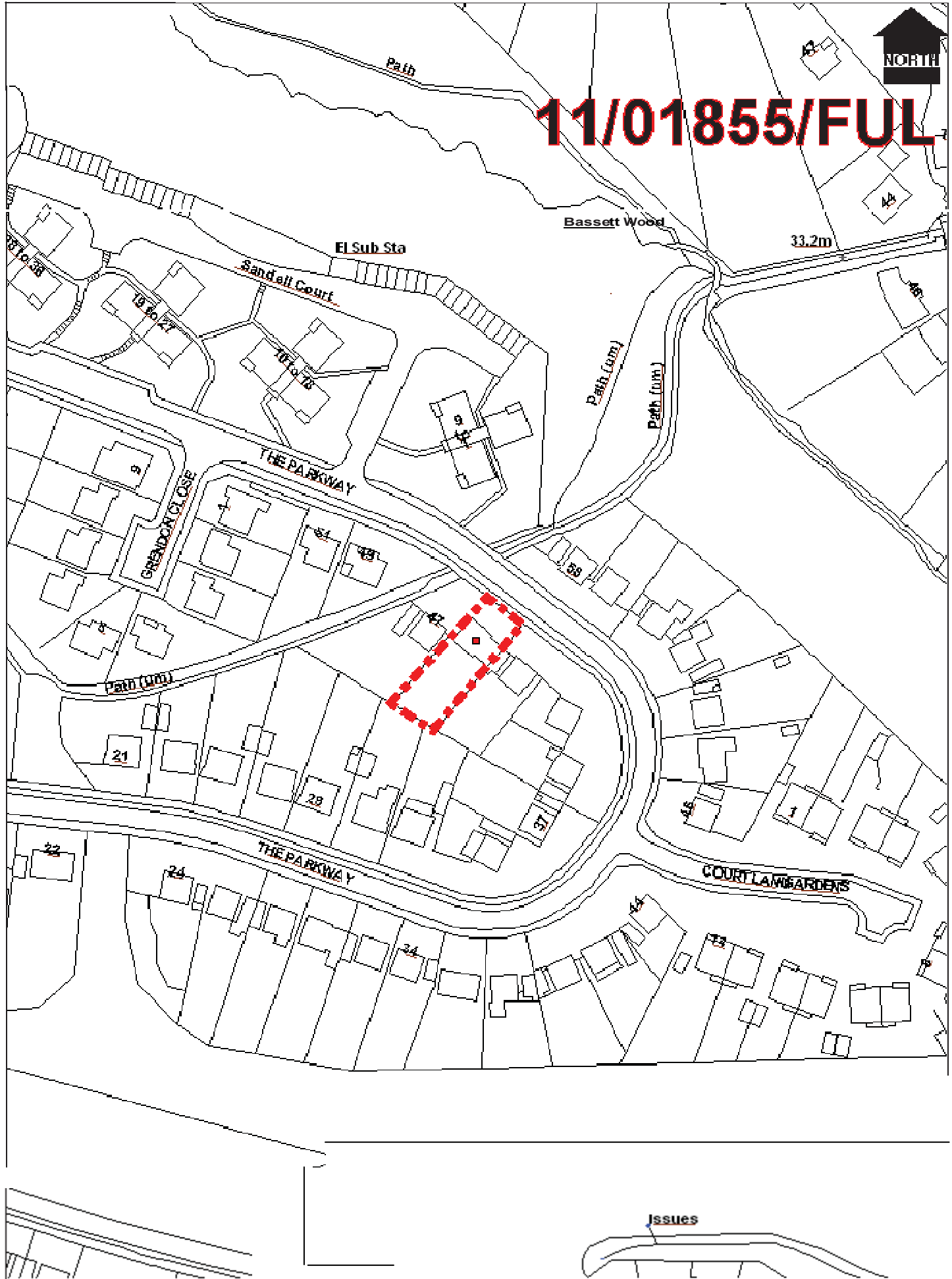
Reason:

To soften the appearance of the lower retaining wall, in the interests of improving the outlook of neighbours and having regard to the character of otherwise mature planted domestic gardens abutting the site.





**11/01855/FUL**



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Date:04 January 2012

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## Appeal Decisions

Site visit made on 11 July 2011

by **Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

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

Decision date: 25 July 2011

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**Appeal Ref: APP/D1780/C/11/2148700 & 2148701**  
**Land at 45 The Parkway, Southampton SO16 3PD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr P S Sidhu and Mrs N Kaur against an enforcement notice issued by Southampton City Council.
  - The Council's reference is 11/00011/APENF.
  - The notice was issued on 18 February 2011.
  - The breach of planning control as alleged in the notice is without planning permission (1) the construction of a brick built, single storey outbuilding and (2) associated engineering operations including importation of fill and land raising to enable the construction of steps and 2 terraces to facilitate access to and support of the outbuilding.
  - The requirements of the notice are (i) remove the part built single storey outbuilding and associated steps and terraces and (ii) remove from the land all building materials and rubble arising from compliance with requirement (i) and restore the land to its previous levels and condition.
  - The period for compliance with the requirements is 56 days.
  - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
- 

### Decision

1. The enforcement notice is corrected by deletion of "importation of fill and land raising to enable" from Section 3(2). Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

### Reasons

#### **Ground (c)**

2. The Town and Country Planning Act 1990, Section 55(1) notes that "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land. Some operations in a garden, such as the forming of a hard standing may be permitted, and some operations such as some moving of soil for gardening operations may be considered as being de minimis and not development. However, it is apparent, by comparing the garden as it is now with the estate agents photographs showing the previous arrangement, that the whole of the lower tier of the garden has been removed across the width of the garden, and the second tier appears to have been lowered and leveled. In addition, large retaining walls have been built to the sides of the garden and at the new change in level, with the outbuilding

constructed directly off part of it. A neighbour notes in representations that a substantial amount of soil was removed during the works.

3. I do not consider that the removal of such substantial amounts of soil and formation of large retaining walls could be considered de minimis or come within any definition of permitted development, but can reasonably be defined as engineering works for which planning permission is necessary. I also do not consider that this was simply replacing existing dilapidated retaining walls as some of the original walls have been removed and others replaced by new walls considerably increased in height. Looking at the outbuilding, I accept that by comparing the new second tier garden level (where the outbuilding is built) with the garden levels of the properties on either side, that this indicates the second tier level is about 450mm lower than that of the surrounding gardens. I therefore accept that the original garden level here would have likely to have been about 450mm higher than it is now. The allegation refers to importation of fill and land, but the visual evidence at the site visit and observations of the neighbour indicate that soil was removed, not imported. I shall correct the second part of the allegation to reflect this situation.
4. Therefore, the height of the outbuilding by comparison with the original garden level would be well within the maximum permitted of 2.5m; in fact it is less than 2.5m above the new lower level that has been formed and below the garden fence level. I accept that the garden building, if it had been built in a similar position without the associated and ancillary engineering works, would have been likely to comply with the various requirements for permitted development. However, the outbuilding is part and parcel with the engineering works. To reinstate the unauthorised engineering works that have occurred will require the removal of the outbuilding.
5. I accept the appellants' argument in relation to the potential for the outbuilding being permitted development in relation to the original ground level, and in fact when the ground levels are reinstated the outbuilding could be higher up than it is. However, that does not mean that what has been built does not require planning permission, because overall with the integral engineering works it is not permitted development. There is no appeal under ground (a) to consider what has been built in relation to the potential fall back position, or under ground (f) to consider lesser steps. I therefore conclude that overall the works that have been completed do require planning permission and the appeal on ground (c) fails.
6. For the reasons given above I consider that the appeal should not succeed.

*Graham Dudley*

**Application** 11/01855/FUL

## **POLICY CONTEXT**

Core Strategy - (January 2010)

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)

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# Agenda Item 8

|                                     |  |
|-------------------------------------|--|
| <b>DECISION-MAKER:</b>              | PLANNING AND RIGHTS OF WAY PANEL                           |
| <b>SUBJECT:</b>                     | ENFORCEMENT REPORT IN RESPECT OF 141 BURGESS ROAD, BASSETT |
| <b>DATE OF DECISION:</b>            | 17 JANUARY 2012  |
| <b>REPORT OF:</b>                   | PLANNING AND DEVELOPMENT MANAGER                           |
| <b>STATEMENT OF CONFIDENTIALITY</b> |  |
| Not applicable                      |  |

## **BRIEF SUMMARY**

An unauthorised change of use of 141 Burgess Road has taken place from single, four-bedroom dwelling to use primarily as an office to an architectural practice/property development company/consultant.

At its 18.1.11 meeting the Panel resolved to defer the service of an Enforcement Notice to allow the owner to submit a planning application to regularise the use, tied to construction of a house in the rear garden (consented on Appeal) to a habitable state capable of occupation to overcome the policy objection to business use having caused loss of a dwelling. That construction was to have been secured through a planning legal agreement.

Whereas negotiations relating to the legal agreement foundered, the owner has now largely constructed the house, which is now reasonably close to being completed.

In these circumstances, Officers consider that it is therefore not expedient at this time to serve a planning enforcement notice and that case 06/00075/UURES be formally closed.

Whereas no complaints about the business use impacting on residential amenity or highway safety have ever materialised, Officers consider that these matters should still be kept under review, should new complaints be received in the future.

It is also understood that the owner may make a further planning application seeking to regularise the business use for a temporary period, so as to allow use to revert back to a single dwelling if the business use should cease.

## **RECOMMENDATIONS:**

- (i) That it is not expedient at this time to serve a planning enforcement notice and that case 06/00075/UURES be formally closed.
- (ii) That whereas no complaints about the business use impacting on residential amenity or highway safety have ever materialised, that these matters should still be kept under review until 1.3.2016, should new complaints be received in the future, unless the council as local planning authority subsequently grant permission for business use of 141 Burgess Road before that date.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. The unauthorised use of 141 Burgess Road primarily as an office prevents the property being used as a single dwellinghouse. This is contrary to Policy H6 of the City of Southampton Local Plan Review (March 2006).  
However, because a new house has been constructed within the sub-plot, won on Appeal under reference 07/01817/FUL, which is now largely complete and not far off being capable of occupation, it is no longer considered expedient at this time to serve a planning enforcement notice.

## DETAIL

2. This report updates the 23<sup>rd</sup> November 2010 and 18 January 2011 reports to the Planning and Rights of Way Panel. At the former meeting it was resolved to serve an Enforcement Notice requiring the unauthorised use of 141 Burgess Road as an office to cease. The serving of this notice was deferred to enable officers to discuss any possible alternative courses of action with the owner.
3. At its 18.1.11 meeting the Panel resolved:-
  - (i) that the service of an Enforcement Notice be deferred to enable the submission of a valid planning application for a change of use of 141 Burgess Road to a live-work unit within one month of the date of this meeting and the application be subject to the following:-
    1. be time limited to a period of 5 years;
    2. include a unilateral undertaking requiring the completion of the dwelling at the rear of the site (LPA ref 07/01817/FUL) to be to a habitable standard within 24 months of the date of decision;
    3. be personal to the current owner of the site;
    4. include the provision of two car parking spaces to the rear of the property before the planning permission is implemented; and
  - (ii) that the resolutions passed at meetings of the Planning and Rights of Way Panel on 23<sup>rd</sup> November 2010 and 27<sup>th</sup> May 2008 to serve an Enforcement Notice in respect of this property be rescinded in the event that planning permission is granted for a live-work unit in the terms set out above”.
4. Subsequent discussions between the owner and the council led to an impasse. This related to the requirement that the site to be identified for the purposes of the legal agreement would need to cover the whole plot, not just the sub-plot. However, the bank who had an interest in the main property were not prepared to be party to such a legal agreement and it was determined that just identifying the sub-plot for the purpose of the agreement was not tenable
5. Whilst policy CS16 of the Core Strategy is relevant, the primary policy consideration in this instance is saved policy H6 of the City of Southampton Local Plan Review (March 2006 - LPR) which resists the net loss of dwellings.
6. A site inspection of the new house and the main property 3.1.2012 revealed the following:-

Main property

  - Still in business use.
  - One of the previous occupiers Madison Property had moved out, so the front ground floor room was largely unused, albeit still occupied by office furniture.
  - Smaller of the two first floor front rooms now largely containing filing cabinets, with double bed relocated to larger back room at first floor level.
  - That latter room and bathroom on that level being most obvious



evidence of any remaining residential use, tied to dual purpose kitchen on ground floor.

- Store room off kitchen at ground floor level (which previously contained filing cabinets) was being used as a store in connection with the construction of the new house.
- Boundary wall reconstructed with two vehicular openings formed (one for main property, other for new house, each leading to paved off-street parking – sliding doors as yet not fitted).
- Apart from that, use of other rooms primarily given over to office use. E-mail received from owner (**Appendix 1**) confirms his current use of the main property.

#### New house

- Roof on;
- Internal walls plastered
- Stairs to first floor installed
- Fenestration installed

#### **Conclusion and preferred option recommended by Officers**

7. All persons who have originally expressed written views on this matter have been written to and their views sought on this matter. At the time of preparing this report one e-mail has been received from an original complainant. He acknowledges that the Policy H6 objection is overcome and has never personally experienced any harm to his residential amenity or safe use of the immediate highway network resulting from this business use. He confirms his original objection to the modern appearance of the new house.
8. The evidence suggests that there is no residential use of the main building but if there is any residential use, then it has taken the character of a purely ancillary function of the building, whose primary use is now firmly as an office contrary to policy H6 of the LPR. Continued unauthorised use for business purposes does not meet the objectives of this policy, which is to protect a net stock of family housing.
9. The owner has now largely constructed a new house, which is nearing completion. This means there has been no net loss of dwellings and overcomes the previous Policy H6 objection. As such, it is no longer considered expedient to serve a Planning Enforcement Notice at this time relating to that Policy H6 matter.
10. Whereas no complaints about the business use impacting on residential amenity or highway safety have ever materialised, these matters should still be kept under review until 1.3.2016, should new complaints be received in the future, unless the council as local planning authority subsequently grant permission for business use of 141 Burgess Road before that date.

#### **RESOURCE IMPLICATIONS**

##### **Capital/Revenue**

11. None.

**Property/Other**

12. None.

**LEGAL IMPLICATIONS**

**Statutory Power to undertake the proposals in the report:**

13. None.

**Other Legal Implications:**

14. None.

**POLICY FRAMEWORK IMPLICATIONS**

15. None.

|                |         |                                   |      |               |
|----------------|---------|-----------------------------------|------|---------------|
| <b>AUTHOR:</b> | Name:   | Steve Lawrence                    | Tel: | 023 8083 2552 |
|                | E-mail: | steve.lawrence@southampton.gov.uk |      |               |

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

|    |                                       |
|----|---------------------------------------|
| 1. | E-mail from owner of 141 Burgess Road |
|----|---------------------------------------|

**Documents In Members' Rooms**

|    |       |
|----|-------|
| 1. | None. |
|----|-------|

**Integrated Impact Assessment**

|  |    |
|--|----|
| Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out. | No |
|--|----|

**Other Background Documents**

| Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
|------------------------------|--|
| None                         |  |

|    |  |
|----|--|
| 1. | Report to Planning and Rights of Way Panel 18.1.2011 |
|----|--|

**Integrated Impact Assessment and Other Background documents available for inspection at:**

|                                    |         |
|------------------------------------|---------|
| <b>WARDS/COMMUNITIES AFFECTED:</b> | Bassett |
|------------------------------------|---------|

Lawrence, Steve

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**From:** Neil Holmes [neilholmes@quaysidearchitects.com]  
**Sent:** 23 December 2011 15:54  
**To:** Lawrence, Steve  
**Cc:** Turner, Jenna  
**Subject:** Re: 141 BURGESS & NEW DWELLING  
**Importance:** High

Mr Lawrence

3rd at 2 pm is ok

First floor mostly storage at the moment as previously indicated.  
My understanding of the previous position is that it was *not expedient* to serve an enforcement notice if the dwelling was to be built.

Rather than your *...whether still expedient* trust that this is the position.

It would be helpful to answer our 14 December query with regard to regularising the use before the committee date so that the committee is aware of that proposal and officers response to it.

Regards

Neil Holmes

On 22 Dec 2011, at 16:55, Lawrence, Steve wrote:

Thanks for that Neil,

As stated earlier, the monitoring report for 141 and Business Use and questions of whether still expedient to serve Enforcement Notice, now being put to 17.1.2012 PRow Panel.

All those who have previously written in on this have been advised of same via letter that will go out tomorrow inviting any further written views they may have on the matter to be with me by close of business 13.1.2012. This of course includes yourself.

Will write to you closer to the Panel date to advise you of likely timing for that item on the agenda.

Would it be possible for 2 officer to come and have a look around 141 in your presence some time on 3.1.12 (pm) or 4.1.12, so I can faithfully report how property being used at that time in my report please?

I will need to finalise my (hopefully short) report by 5.1.2012.

I'm in tomorrow, then offices are shut until 3.1.2012.

Regards

S Lawrence, Site Development Team Leader, SCC.

---

**From:** Neil Holmes [mailto:neilholmes@quaysidearchitects.com]  
**Sent:** 14 December 2011 16:04  
**To:** Turner, Jenna  
**Cc:** Lawrence, Steve

**Subject:** 141 BURGESS & NEW DWELLING

Ms Turner

Ref attached letter regarding unauthorised use of 141 by copy to Mr Lawrence we note this response to his 17 November enquiry about regularizing our office use.

Regards

Neil Holmes

**Lawrence, Steve**

---

**From:** Neil Holmes [neilholmes@quaysidearchitects.com]  
**Sent:** 17 November 2011 17:25  
**To:** Lawrence, Steve  
**Cc:** Lyons, Chris; Turner, Jenna  
**Subject:** Re: 141 Burgess Road  
**Importance:** High

Mr Lawrence

My recollection is that completion of the new dwelling would overcome the Authorities loss of a family dwelling objection. presumably this is what you mean in your sentence

*Members may also wish to know progress on the new house*

*and how far off occupation it is, to understand whether Policy*

*H6 of local plan review.*

The dwelling will be completed in the near future.

We have no objection to a visit.

Next week is tight for me Friday am late morning may be ok if I can let you know Thurs pm otherwise week commencing 22nd not Mon am rest ok @ present if you want to fix a date.

Use unchanged live work - intermittent use of live on first floor currently mostly storage first floor due to construction disruption.

We were aiming for Christmas finish but this may slip a month if floor screed is not dry in time to complete finishing elements. End of Jan likely.

We did not submit an app because we could not agree terms of a 106 requiring completion of the dwelling. As a consequence we are building the dwelling to avoid the requirement for a 106. Its completion will overcome the Authorities loss of a family dwelling objection.

We were given to understand in our negotiations with Mr Lyons and Ms Turner that the Authority would be prepared to grant office use or live work use if the new dwelling is completed and haven't given the matter a great deal of thought recently, because we will not be in a position to overcome the Authorities objection until the new dwelling is complete.

From that point of view it may be more productive to postpone your visit for a month and you should be able to report that the new dwelling is close to completion or completed ahead of the timeframe discussed

with officers.

By copy of this email to Mr Lyons we suggest that you consider this option.

Regards

Neil Holmes

On 17 Nov 2011, at 16:45, Lawrence, Steve wrote:

Dear Mr Holmes,

I have been asked by Chris Lyons to prepare a monitoring report for Members, at 20.12.11 Planning Panel, reviewing the Panel's last resolution to take enforcement action against business use at above address.

Please indicate whether you are willing for 2 officers to visit to see current state of play/use of building, with you of course in attendance.

Can you please confirm in writing how 141 is being used, so officers can verify this on their visit.

Members may also wish to know progress on the new house and how far off occupation it is, to understand whether Policy H6 of local plan review.

They may also wish to know if you intend to submit a further planning application to regularise use of 141. Please comment.

Please indicate a couple of dates you would be willing to meet on site next week.

Many thanks.

Regards,

Steve Lawrence Site Development Team Leader SCC

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# Agenda Item 9

|                                     |  |
|-------------------------------------|--|
| <b>DECISION-MAKER:</b>              | PLANNING AND RIGHTS OF WAY PANEL           |
| <b>SUBJECT:</b>                     | PUBLIC RIGHTS OF WAY: ANNUAL UPDATE REPORT |
| <b>DATE OF DECISION:</b>            | 17 JANUARY 2012                            |
| <b>REPORT OF:</b>                   | HEAD OF PLANNING AND SUSTAINABILITY        |
| <b>STATEMENT OF CONFIDENTIALITY</b> |  |
| None                                |  |

## **BRIEF SUMMARY**

This report introduces appendices that provide an update on the main activities of the Rights of Way function since its last report to Panel, February 2011.

## **RECOMMENDATION:**

- (i) That Panel note the contents of the Report and Appendices as a means of bringing it up-to-date with some of the current key issues affecting the Rights of Way function.

## **REASONS FOR REPORT RECOMMENDATIONS**

1. It was resolved by the Planning and Rights of Way Panel at its meeting on 8<sup>th</sup> January 2008 that an update report be received annually with interim e-mail updates to the Panel members (Minute 38).
2. At its meeting 15<sup>th</sup> February 2011, it was agreed, although not minuted, that the quarterly e-mailed update reports would no longer be required but the Annual Report be retained and submitted to Panel.
3. Consequently, the attached appendices inform Panel of those activities and issues which have developed since the last Annual Report, February 2011; Appendix 1 being the Report of the Rights of Way Section on its activities January 2011 to January 2012; and Appendix 2 being a Map illustrating the present state of the Public Rights of Way network.

## **DETAIL (Including consultation carried out)**

### **Consultations**

4. A draft (version 1) of this report and appendices were sent to officers within Legal, Finance, Travel & Transport Policy and the Cabinet Member with Portfolio for Environment.

### **Alternative Options**

5. There were no alternatives considered as the topics outlined in Appendix 1 are statutory duties and the action of reporting to Panel complies with a previous resolution of January 2008.

### **Statutory Responsibilities and Duties**

6. The overall duty of the Rights of Way Section is to fulfil the City Council's statutory responsibilities and duties as detailed in legislation listed at paragraphs 2.1 and 2.2 of Appendix 1.

### **Other Responsibilities**

7. Non statutory work undertaken is identified and listed at paragraph 2.3 of Appendix 1.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

8. **Capital:** None

9. **Revenue:**

- The responsibilities to which this report refers result from statutory duties placed on the Council by various legislation and therefore any financial implications have not been taken into account.
- Funding for the rights of way service is currently contained within the Environment Revenue Estimates, under the Planning and Sustainability Division.

### **Property/Other**

10. There are no implications resulting from this report, its recommendation or its appendix.

## **LEGAL IMPLICATIONS**

### **Statutory Power to undertake the proposals in the report:**

11. None

### **Other Legal Implications:**

12. Those Acts that directly impact on the rights of way function;
- Sections 53 and 53B of the Wildlife & Countryside Act 1981;
  - Sections 60 and 61 of the Countryside & Rights of Way Act 2000;
  - Section 61(1)(e) of the Countryside & Rights of Way Act 2000;
  - Section 94 of the Countryside & Rights of Way Act 2000;
  - Section 17 of the Crime & Disorder Act 1998;
  - Natural Environment & Rural Communities Act 2006;
  - The Highways Act 1980, as amended by various statutes including the Clean Neighbourhoods & Environment Act 2005; and
  - The Human Rights Act 1998 and anti-discrimination legislation.

## **POLICY FRAMEWORK IMPLICATIONS**

13. Whilst the publication of an Improvement Plan and maintenance of a Definitive Map and Statement are statutory duties, the tasks associated with these and much of the work carried out by the rights of way section endeavours to meet the aims and objectives of several plans and strategies that constitute the Policy Framework, including as examples:
- The City of Southampton Strategy: A 20-year vision
  - Southampton City Council Plan 2011-14
  - Southampton Connect Plan 2011-14
  - Community Safety Strategy
  - City of Southampton Local Transport Plan



- Partnership for Urban South Hampshire (PUSH)
- Green Spaces Strategy 2008

|                |         |                                   |      |               |
|----------------|---------|-----------------------------------|------|---------------|
| <b>AUTHOR:</b> | Name:   | D. BLAKEWAY                       | Tel: | 023 8083 3987 |
|                | E-mail: | david.blakeway@southampton.gov.uk |      |               |

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members' Rooms and can be accessed on-line**

**Appendices**

|    |   |
|----|---|
| 1. | Report of the Rights of Way Section on its activities since February 2011 |
| 2. | Plan illustrating current Rights of Way.                                  |

**Documents In Members' Rooms**

|    |      |
|----|------|
| 1. | None |
|----|------|

**Integrated Impact Assessment**

|  |    |
|--|----|
| Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out. | NO |
|--|----|

**Other Background Documents**

|                              |  |
|------------------------------|--|
| Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
|------------------------------|--|

|    |      |  |
|----|------|--|
| 1. | None |  |
|----|------|--|

**Integrated Impact Assessment and Other Background documents available for inspection at:**

|                                    |            |
|------------------------------------|------------|
| <b>WARDS/COMMUNITIES AFFECTED:</b> | <b>ALL</b> |
|------------------------------------|------------|

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## Report of the Rights of Way Section on its activities January 2011 to January 2012

### 1. Introduction

- 1.1 This report complies with the resolution, recorded as minute 38 of the Planning & Rights of Way Panel meeting 8<sup>th</sup> January 2008; that an update report be received annually by the Panel, with interim e-mail updates to Panel Members.
- 1.2 At its Meeting 15<sup>th</sup> February 2011, Panel informed the Rights of Way Officer that it would no longer require the quarterly update reports, (sent via email), but that it would still require an annual report. (This is not referred to in minute 119 of that meeting).
- 1.3 The purpose of this paper is to précis and update Panel on the activity and general progress of the Rights of Way function since February 2011, thereby giving Panel the opportunity to comment.

### 2. Responsibilities

- 2.1 The overall duty of the Rights of Way Section is to fulfil the City Council's statutory responsibilities in respect of:-
  - The National Parks & Access to the Countryside Act 1949, (NP&AC);
  - The Countryside Act 1968, (CA);
  - The Highways Act 1980, (HA);
  - The Wildlife & Countryside Act 1981, (W&C);
  - The Countryside & Rights of Way Act 2000, (CROW);
  - The Marine & Coastal Access Act 2009, (MCA); and
  - All other legislation that impacts on public rights of way within the City.
- 2.2 Primary duties include the:-
  - review and maintenance of a Definitive Map & Statement;
  - (preparation, publication), implementation and monitoring of the Rights of Way Improvement Plan (2007-17);
  - representing of the City Council on the Local Access Forum, (the Hampshire Countryside Access Forum) and other bodies as required and
  - consideration, assessment and investigation of Schedule 14 applications submitted by the public under section 53(5) of the W & C Act 1981.
- 2.3 Other Responsibilities include the:-
  - preparation, implementation, recording and reporting on a Local Performance Indicator, (ex BVPI 178, now obsolete in favour of National Indicators that do not include any for public rights of way);
  - enforcement to remove obstructions from rights of way;
  - historic research and investigation of routes that are potentially rights of way as part of the continuous review of the Definitive Map and Statement as directed by section 53(3)(c) of the W & C Act 1981;
  - guidance to planning officers and others in respect of developments that impact on rights of way or potential rights of way; and

- response to all enquiries from the public, Council Members, Council Officers, outside bodies, Government Departments and other Local Authorities.

### **3. Definitive Map & Statement; Ward Review**

- 3.1 Following the Ward Review for Bassett, (resulting in an additional 19 rights of way being added to the Definitive Map & Statement), there were two outstanding routes that were subject to objections and had been referred to the Secretary of State for determination by the Planning Inspectorate.
- 3.2 The Decision Letter from the Planning Inspector, June 2011, confirmed the Order unmodified, agreeing with all arguments that this Council had put forward in defence of making the Order and in support of the Order being confirmed. These are now shown on the Definitive Map & Statement as Restricted Byways numbered 46 and 47.

### **4. Definitive Map & Statement; Legal Events**

- 4.1 Following the determination by Panel of Research Project 116 as a Right of Way Footpath, (Sainsbury's at Lord's Hill District Centre, minute 93 of Panel Meeting 23<sup>rd</sup> November 2010), a Public Path Diversion Order is to be made. This will stop-up the old route that entailed crossing over the wide and very busy entrance to the Delivery Service Area. The route will be diverted onto a new footpath that is to be created, leading off Lords Hill Centre East, and running along the southern perimeter fence of the Service Area entrance and which will be known as Southampton Footpath No 49.
- 4.2 The Diversion Order is being processed in parallel to a planning application, (11/01165/FUL), that detailed the type and height of fencing that will be used to demarcate the new footpath, as well as retaining the overall width of the Service Area by realigning the northern kerb-line.
- 4.3 Footpath Number 9 at Lord's Hill Recreation Centre has been the subject of a Public Path Diversion Order because of the development of the Oasis Academy that required land over which part of the footpath crossed. This successful Diversion Order is the "legal event" that prompted a DMMO authorising its depiction on the definitive map.

### **5. Definitive Map & Statement; Consolidation towards new version.**

- 5.1 The first and only Definitive Map for Rights of Way in Southampton was produced with a relevant date of 9<sup>th</sup> December 1999, illustrating and describing 8 rights of way; 7 footpaths and 1 byway open to all traffic, ("BOAT").
- 5.2 Since then, this has increased to 52, with an additional right of way pending for inclusion, (see 4.1 and 4.2). This footpath, to be known as footpath 49, lies to the rear of Sainsbury's at Lord's Hill and reflects the successful application by members of the public to have it shown on the definitive map, (see 4.1 & 4.2 above). It is currently the subject of a diversion order which, once confirmed, will

then be subject to a modification order that will authorise it to be shown on the definitive map, as illustrated on appendix 2.

- 5.3 As a consequence of all the changes that have occurred in the intervening years since 1999, it has been decided that the time is right to consolidate all changes and produce a new version of the Definitive Map & Statement.
- 5.4 Trials have taken place as to an improved format for both documents and drafts have been produced, both to be at A3 size and in a landscape style. These are presently being scrutinised to ensure that they meet legal requirements, as well as being acceptable for public display.

## **6. Other Actions**

### **6.1 Rights of Way Maintenance**

- 6.1.1 Since 2008, the rights of way function has been proactive in securing a regular maintenance regime that would assess and carry out remedial works that cleared rights of way from vegetation over/up-growth.
- 6.1.2 With the assistance of Parks & Open Spaces teams, this has worked very well, with fewer reports being received from the public requesting such actions.
- 6.1.3 Further development of this programme has allowed the rights of way to be segregated; those on adopted highway land and those that fall on “private”. The former are now catered for under the Highways Services Partnership with Balfour Beatty, the latter remaining with the P&OS Teams.

### **6.2 Rights of Way Improvement Plan, (RoWIP).**

- 6.2.1 Progress has been made within most of the generic actions that were identified within the Action Plan of the RoWIP
- 6.2.2 Work resumed on the Procedures and Management Framework document that was identified as a requirement within the Action Plan, I.D. C2, but has again been deferred until other on-going projects have been concluded, e.g. the consolidation of a new Definitive Map & Statement.

### **6.3 Coastal Access**

Whilst still an active topic nationally, there has been no involvement required of Southampton in the last year, and the likelihood of any over the next two to three years appears highly unlikely.

#### **6.4 Planning & Development**

The rights of way section, as an internal consultee, has been involved in several planning applications and pre-applications that impact on rights of way or potential rights of way, including proposed developments of the ex Tyrrell & Green Site, the Oasis Academy at Lord's Hill and other regeneration projects.

#### **6.5 Cross Boundary Routes**

6.5.1 The rights of way section is an active participant in the Solent CAP Working Group, a subgroup of the Hampshire Countryside Access Forum to which Southampton is a tripartite member. Hampshire produced 7 Rights of Way Improvement Plans for differing geographical parts of the County, terming them Countryside Access Plans, (CAP's).

6.5.2 The purpose of the Solent CAP Working Group is to facilitate and carry out the improvements that were identified within the Solent CAP area; SCC's involvement being to address those issues that cross-boundary with Southampton.

#### **6.6 PATHH Project**

6.6.1 Following last years report outlining this Project, further discussions and Steering Group Meetings have taken place. There have been 4 volunteers identified who wish to look specifically at Southampton, but there has been no further action at this time pending the refurbishment of the City's Archives Department which is due to open early January.

6.6.2 *Providing Access To Hampshire's Heritage*, (PATHH), was initiated by the Hampshire Countryside Access Forum, the project being managed by the Hampshire and Wight Trust for Maritime Archaeology and supported by Hampshire County Council and the New Forest Access Forum. It is the local successor of the national "Discovering Lost Ways" Project which was dissolved in 2007.

#### **6.7 Woods for People**

An annual audit carried out by Woods for People relating to the amount of woodland that is accessible to the public was completed May 2011. With information supplied by Woods for People being used towards enhancing data already held by the rights of way section, this greatly assists in carrying out RoWIP actions relating to accessibility to areas of recreational open space.

### **7. Resources**

7.1 Due to Divisional Restructuring late 2010, and the loss of the Assistant Right of Way Officer post, investigations took place as to improving the service, primarily looking at what additional resourcing could be made available.

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- 7.2 A proposed Service Level Agreement with Hampshire, encompassing the transfer to / partnership working with the County's Rights of Way Department, did not prove viable.
- 7.3 A more local solution has been identified with the rights of way function presently seconded to sit within the Southampton & Fareham Legal Services Partnership to see if such a move would be beneficial and workable.

End DP Blakeway

January 2012

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Action Plan: by ID

| ID  | Action  | Priority | Spend | When      | Involving                        | Year | 07 | 08 | 09 | 10  | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|-----|---|----------|-------|-----------|----------------------------------|------|----|----|----|-----|----|----|----|----|----|----|----|
| M1  | Investigate the use of Field Operatives to monitor and assess seasonal vegetation growth and general route conditions.  | H        | REV   | 2007 - 08 | RoW / Hwys                       |      | C  |    |    |     |    |    |    |    |    |    |    |
| M2  | To carry out a feasibility study towards instigating a programme of general maintenance and cutback, (including height clearance for cyclists & horse riders), which is independent of current practices involving other divisions.             | H        | REV   | 2007 - 09 | RoW / NP / P & OS                |      |    | C  |    |     |    |    |    |    |    |    |    |
| M3  | To establish maintenance regimes around wildlife and ecological considerations, e.g. nesting birds.   | M        | CAP   | 2008 - 10 | RoW / P & OS / Hwys              |      |    |    | C  |     |    |    |    |    |    |    |    |
| M4  | Upgrade surfaces where appropriate to accommodate less mobile users.  | M        | REV   | 2010 - 13 | RoW / P & OS / Hwys              |      |    |    |    |     |    |    |    |    |    |    |    |
| M5  | Where appropriate and conducive, install waste bins for both litter and dog waste.  | L        | CAP   | 2013 - 17 | RoW / P & OS / Hwys              |      |    |    |    |     |    |    |    |    |    |    |    |
| M6  | Where appropriate and conducive, improve lighting along routes with consideration to wildlife, e.g. bats.   | L        | CAP   | 2013 - 17 | RoW / SL / Hwys                  |      |    |    |    |     |    |    |    |    |    |    |    |
| A1  | Where appropriate and conducive, assess removal of barriers, stiles or gates that obstruct free use by wheelchairs and similar, but with reservation that in some cases barriers assist in the reduction of anti-social and criminal behaviour. | M        | REV   | 2010 - 17 | RoW / P & OS / Hwys              |      |    |    |    |     |    |    |    |    |    |    |    |
| A2  | During the continuous review of the Definitive Map, to place more strategic importance on routes that link open space, schools, shops and other local amenities and that link to the wider countryside.   | H        | REV   | 2007 - 17 | RoW                              |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A3  | Negotiate for the upgrade of suitable routes to Bridleway or Restricted Byway, where practical, to extend the equestrian and cycle networks with consideration to ecological issues.  | L        | REV   | 2012 - 17 | RoW / BHS / Users                |      |    |    |    |     |    |    |    |    |    |    |    |
| A4  | Ensure that routes affected by proposed development are considered in the planning application and development control process.   | H        | REV   | 2007 - 17 | RoW / P & DC                     |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A5  | Prepare guidance notes for planners and developers that advise on routes and public rights of way affected by proposed developments.  | M        | REV   | 2008 - 11 | RoW / P & DC                     |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A6  | To assess and advise on the creation of new routes as part of the planning and development process.   | H        | CAP   | 2007 - 17 | RoW / P & DC                     |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A7  | To advise on any proposals that develop waterside areas where it is possible to create links to other existing or planned routes.   | M/H      | REV   | 2009 - 10 | RoW / P & DC                     |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A8  | To liaise with the Planning Ecologist when creating, upgrading or working on routes when in ecologically sensitive areas.   | M        | REV   | 2007 - 17 | RoW / PEco / P&DC                |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A9  | To strengthen links to water user groups and develop improvements to access to water via known public hards, quays and slipways, and make better use of non-tidal waterways.  | M        | REV   | 2009 - 11 | RoW / Hwys / Users               |      |    |    |    |     |    |    |    |    |    |    |    |
| A10 | To upgrade and improve the quality of signposts to better combat vandalism.   | H        | REV   | 2007 - 09 | RoW                              |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A11 | To carry out a sign and route condition audit to better identify signing needs and improvements.  | H        | REV   | 2007 - 09 | RoW                              |      | C  |    |    |     |    |    |    |    |    |    |    |
| A12 | To improve road safety at road crossings where rights of way and link routes meet main carriageways.  | M        | CAP   | 2011 - 17 | RoW / Hwys / HCC                 |      |    |    |    |     |    |    |    |    |    |    |    |
| A13 | To work more closely with adjoining Local Authorities on actions within this RoWIP that involve cross-boundary issues.  | M        | REV   | 2007 - 17 | RoW / HCC                        |      |    |    |    | I/H |    |    |    |    |    |    |    |
| A14 | To research internal and external opportunities for funding projects to improve the rights of way network and other access issues.  | H        | REV   | 2007 - 17 | RoW                              |      |    |    |    | I/H |    |    |    |    |    |    |    |
| C1  | Strengthen links with local community groups to ensure they are aware of / involved in the overall management of rights of way and access issues by closer involvement with Neighbourhood Partnerships.   | H        | REV   | 2007 - 09 | RoW / NP / Users                 |      |    |    |    | I/H |    |    |    |    |    |    |    |
| C2  | To prepare and present to the relevant Council committee proposals for a comprehensive policy document on rights of way, to involve the Local Access Forum, (Hampshire Countryside Access Forum) during preparation stage.                      | H        | REV   | 2007 - 10 | RoW / NP / Users / HCAF / L & DS |      |    |    |    | I/H |    |    |    |    |    |    |    |
| C3  | To prepare and publish a new reformatted version of the Definitive Map & Statement by late 2009.  | H        | REV   | 2007 - 09 | RoW                              |      |    |    |    | I/H |    |    |    |    |    |    |    |
| C4  | To prepare leaflets on rights of way; their meaning, status, where they are and the Definitive Map.   | M        | REV   | 2008 - 10 | RoW / P & OS / PEco / P & DC     |      |    |    |    | I/H |    |    |    |    |    |    |    |
| C5  | To prepare leaflets that promote walks to and within open spaces, outlining topics of interest, such as flora and fauna, and which are available to different users in other languages or medium.   | L        | REV   | 2011 - 13 | RoW / P & OS / PEco              |      |    |    |    |     |    |    |    |    |    |    |    |
| C6  | To prepare leaflets aimed at promoting responsible use of the network, and the rights and responsibilities of users and landowners.   | M        | REV   | 2009 - 11 | RoW                              |      |    |    |    |     |    |    |    |    |    |    |    |
| C7  | To revise internal procedures for responding to allegations of misleading signs on or along rights of way.  | M        | REV   | 2011 - 13 | RoW                              |      |    |    |    |     |    |    |    |    |    |    |    |
| C8  | To encourage use of the network by including destination, distance and user information on signposts.   | M        | CAP   | 2011 - 13 | RoW                              |      |    |    |    |     |    |    |    |    |    |    |    |
| C9  | To produce a biannual rights of way newsletter for all interested groups and individuals.   | H        | REV   | 2007 - 08 | RoW                              |      |    | C  |    |     |    |    |    |    |    |    |    |
| C10 | To increase the amount of rights of way information available on the City Council's web pages.  | H        | REV   | 2007 - 09 | RoW / IT                         |      |    |    | C  |     |    |    |    |    |    |    |    |
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Southampton City Council  
PEco Planning Ecologist,  
Southampton City Council

RoW Rights of Way Section,  
Southampton City Council  
SL Street Lighting  
Users User groups  
C COMPLETED or IN HAND,  
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CAP Capital Spend  
REV Revenue Spend  
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## Action Plan: by Priority

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