

# Planning and Rights of Way Panel

Tuesday, 15th January,  
2013  
at 9.30 am

## **PLEASE NOTE TIME OF MEETING**

Conference Room 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Mrs Blatchford (Chair)  
Councillor Claisse  
Councillor Cunio  
Councillor L Harris  
Councillor Lloyd  
Councillor Shields  
Councillor Smith

### **Contacts**

Democratic Support Officer  
Pat Wood  
Tel: 023 8083 2302  
Email: [pat.wood@southampton.gov.uk](mailto:pat.wood@southampton.gov.uk)

Senior Manager: Planning, Transport and  
Sustainability  
Paul Nichols  
Tel: 023 8083 2553  
Email: [paul.nichols@southampton.gov.uk](mailto:paul.nichols@southampton.gov.uk)

## **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 2012/13**

<b>2012</b>	<b>2013</b>
<b>29 May 2012</b>	<b>15 January 2013</b>
<b>26 June</b>	<b>19 February</b>
<b>24 July</b>	<b>26 March</b>
<b>21 August</b>	<b>23 April</b>
<b>18 September</b>	
<b>16 October</b>	
<b>20 November</b>	
<b>11 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 3.

## **DISCLOSURE OF INTEREST**

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

### **DISCLOSABLE PERSONAL INTERESTS**

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **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 PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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 Democratic Support Officer.

### **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 November 2012 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

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

### **5 LAND BETWEEN BROWNHILL WAY AND LOWER BROWNHILL ROAD 12/00106/FUL**

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

### **ITEMS TO BE HEARD BETWEEN 10:30 AM TO 11:00 AM**

### **6 7 GREENBANK CRESCENT 12/01577/OUT**

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 11:00 AM TO 11:20 AM**

**7 7 GREENBANK CRESCENT 12/01726/OUT**

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 11:20 AM AND 11:50 AM**

**8 HELI BEDS, 47-65 BEVOIS VALLEY ROAD SO14 0JS 12/01236/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 11:50 AM TO 12:20 PM**

**9 REAR OF ELSIE COTTAGE, HOLT COURT, WESTON LANE SO19 9RA 12/01531/FUL**

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

**ITEMS TO BE HEARD BETWEEN 12:20 PM AND 12:40 PM**

**10 SOUTHAMPTON LOGISTICS, UNIT F WEST QUAY ROAD SO15 1GZ 12/01459/FUL**

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

**ITEMS TO BE HEARD BETWEEN 12:40 PM AND 1:00 PM**

**11 G T HOUSE, ASHLEY CRESCENT SO19 9NA 12/01516/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 1.45 PM AND 2.30 PM**

**12 PART OF FORMER NEW COLLEGE SITE, THE AVENUE SO17 1XJ 12/01522/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.

**MAIN AGENDA ITEMS**

**13 REMOVAL OF 7 TREES IN VOKES MEMORIAL GARDENS PLATFORM ROAD TO ALLOW HIGHWAY IMPROVEMENTS**

Report of the Senior Manager – City Services, recommending approval for the removal of trees at the above site address, attached.

Monday, 7 January 2013

HEAD OF LEGAL, HR AND DEMOCRATIC  
SERVICES

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SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 20 NOVEMBER 2012

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Present: Councillors Mrs Blatchford (Chair), Claisse, Cunio (Except Minute 82), L Harris, Lloyd (Except Minutes 78-82), Shields and Smith

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

**RESOLVED** that the Minutes of the Meeting held on 16 October be approved and signed as a correct record.

74. **30 ST ANNE'S ROAD, WOOLSTON /12/01411/FUL**

The Panel considered the report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes)

A change of use from a residential care home (use class C2) to a hotel with ancillary manager's accommodation and parking (use class C1).

Mr Millar (Applicant), Mr Dean (objecting) (Local Resident) and Councillor Payne (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two additional objections had been received making the total number of 160 objections. The presenting officer reported two amendments to the reason for refusal to include the "Road" in the sentence beginning "The introduction of this use .... St. Anne's **Road** Conservation Area" and to include " and S.17 of the Crime and Disorder Act 1998" in the last sentence. The presenting officer stated that the words in Recommendation (ii) "and revert the building back to the authorised use" be deleted.

**RESOLVED**

- i) To **refuse** the planning application 12/01411/FUL for the reasons set out in this report; and
- ii) To Serve a Stop Notice and Planning Enforcement Notice to cease the use.

Reason for Refusal

Amendment

"..... whilst failing to either *preserve or enhance* the established character of the St. Anne's **Road** Conservation Area... For this reason the planning application has been assessed as contrary to saved policies SDP1(i) (iii), SDP7 (i) (v), SDP10 (iii), SDP16(iii), HE1(i) as supported by the National Planning Policy Framework (2012 – particularly paragraph 69) **and S.17 of the Crime and Disorder Act 1998.**"

75. **84-88 MILLBROOK ROAD EAST / 12/00862/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of the site. Demolition of the existing buildings and erection of 6 part two, part three-storey houses (comprising 5 x four bed and 1 x three bedroom) and erection of a three-storey block of 8 x 2-bed flats.

Mr Oldfield (Agent), Mr Pritchard, Mr Jackson, Mr Wilkins (objecting) (Local Residents) Ms Hiscock (objecting) (Local Resident on behalf of local Neighbourhood Watch scheme) and Councillor Moulton (objecting) (Ward Councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported 6 additional letters of objection had been received. The presenting officer also reported an amendment to condition 4 and amendment to clause (vi) to the S106 Agreement, set out below:

4 “..... (g) details of how noise emanating from the site during construction will be mitigated and, **(h) details of temporary fencing during the construction process to secure the neighbouring site.** .....

(vi) An obligation precluding future residents of the flats **and houses** receiving car parking permits for the adjoining Controlled Parking Zones.

The presenting officer also reported the deletion of Recommendation 2 in the report and the amendment of Recommendation 3 in the report to delete the penultimate paragraph.

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

**Reasons for Refusal**

**Overdevelopment**

The proposal represents an overdevelopment of the site by reason of the following:

(i) Notwithstanding the council’s adopted Supplementary Planning Document (SPD) on Parking Standards, which are expressed as maximum quantum of parking that can be proposed to serve new development, the council considers that the provision of 11 parking spaces would be inadequate to help meet the travel demands of occupiers of the new development. This would harm the amenity of adjoining residents by exacerbating on-street parking difficulties, owing to overspill parking being generated by the new flats, which cannot be accommodated on site.

(ii) Two of the proposed houses and the proposed block of flats would not be served by sufficient private and useable external amenity space which is fit for purpose. Having regard to the size of the units which are capable of accommodating families with children and the remoteness of the site to public open space, the development is therefore considered to provide a poor residential environment for future occupants.

The development would therefore provide contrary to policies CS5 (1) and CS13 (4) (6) (7) (11) of the City of Southampton Local Development Framework Core Strategy Document (January 2010) and saved policies SDP1 (i), SDP7 (iv) and H7 (ix) of the City of Southampton Local Plan Review (March 2006), as supported by the Residential Design Guide Supplementary Planning Document 2006 (with specific reference to paras 2.3.14 and 4.4.1 to 4.4.4).

#### Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

- a) As the scheme triggers the threshold for the provision of affordable housing it is expected to provide a contribution to affordable housing to assist the City in meeting its current identified housing needs as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010)
- b) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms - in accordance with policies CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.
- c) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.
- d) A financial contribution towards the provision and maintenance of open space in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;
- e) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;
- f) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway - caused during the construction phase - to the detriment of the visual appearance and usability of the local highway network.
- g) In the absence of a mechanism for preventing future residents of the development from receiving car parking permits for adjoining Controlled Parking Zones, the proposal is likely to result in overspill car parking which would represent harm to the amenities of neighbouring residents, contrary to saved policy SDP1 of the Local Plan Review 2006.

RECORDED VOTE

FOR: Councillor Claisse, Cunio, Harris, Lloyd, Shields and Smith

AGAINST: Councillor Mrs Blatchford

76. **72 WESTWOOD ROAD / 12/01286/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Extensions to the side and rear, conversion of the existing building into 10 flats (3 x studio, 3 x one bedroom, 3 x two bedroom and 1 x three bedroom) with associated facilities and erection of a new four bedroom house at the side with associated parking.

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

The presenting officer reported an additional letter had been received from residents of 74 Westwood Road giving comments on the application. An additional condition was also reported.

**RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the conditions listed in the report and subject to the completion of a S106 Agreement to secure the terms set out in the report;
- ii) in the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement;
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

**Additional Condition**

**18 APPROVAL CONDITION - Amenity space for the house (Performance Condition)**

The rear garden for the new house as shown on the approved plans shall be provided and enclosed with boundary fencing as approved before the house is first occupied and retained thereafter for the sole use of occupiers of the house.

Reason:

To ensure adequate private amenity space is provided for this family sized house in accordance with Core Strategy Policy CS16.

Amenity space for house and fence to be in place before occupation and retained thereafter.

**RECORDED VOTE**

**FOR:** Councillors Mrs Blatchford, Cunio, Lloyd and Shields

**AGAINST:** Councillor Claisse



ABSTAINED: Councillors Harris and Smith

77. **100-102 HIGH ROAD / 12/01217/OUT**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Re-development of the site. Four storey building to form student accommodation (9 self-contained studio flats) with ground floor commercial floorspace and associated amenity space, refuse and cycle storage. Outline application seeking approval for Access, Appearance, Layout and Scale with Landscaping reserved. Car free scheme amended following validation.

Mr McDermott (Agent), Mr Hopgood (objecting) (Local Resident), Councillors Mintoff and Turner (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported three additional objections had been received. The presenting officer also reported an additional S106 clause.

**RESOLVED**

- i) to delegate to the Planning & Development Manager to grant conditional approval subject to the conditions in the report and subject to the completion of a S106 Agreement to secure the terms set out in the report and the additional S106 clause set out below;
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement (including following ongoing discussion and/or the receipt of an independently verified viability assessment) and to remove, vary or add conditions as necessary.

**Additional S106 clause**

- ix. The development signs up to the national best practice code for student accommodation (not managed and controlled by educational establishments) or equivalent best practice Southampton Accreditation Scheme for Student Housing (SASSH).

**RECORDED VOTE**

FOR: Councillors Mrs Blatchford, Lloyd and Shields  
AGAINST: Councillors Cunio and Harris  
ABSTAINED: Councillors Claisse and Smith

78. **158-168A PORTSWOOD ROAD , SO17 2NJ / 12/01201/OUT**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Part three/part four storey extension (following part demolition of existing building) to form student accommodation (19 self-contained studios and cluster flats comprising 62 study bedrooms) managed as a hall of residence above and to the rear of retained ground floor commercial units with associated amenity space, parking and other facilities and vehicular access from Westridge Road. (Outline application seeking approval for Access, Appearance, Layout and Scale with Landscaping reserved) (amended with revised design and internal layout, removal of rear pedestrian entrance and introduction of manager's flat).

Mr McDermott (Agent), Dr Buckle, Mrs Jameson (objecting) (Portswood Residents Garden Association), Mr Gillen (objecting) (Highfield Residents Association), Councillors Vinson and Norris (objecting) (Ward Councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer suggested amendments to conditions 11 and 20 and two additional conditions:

- Amend condition 11 to also require details of parking, material storage, and construction method during construction to ensure that the access to the rear of the shop was not impeded and servicing could take place.
- Amend condition 20 to ensure 24 hour occupation of the manager's office
- Additional condition to require details to show how the development will not prevent obstruction to the footway and highway during construction, particularly with details of construction cranes and parking
- Additional condition to require details of the refuse store

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

#### Reasons for refusal

##### Overdevelopment / Over-intensive use

The proposal is considered to be an overdevelopment of the site by reason of its scale, bulk and massing. Moreover the amount of development sought represents an over-intensive use of the site creating a crowded and poor living environment and a level of general activity that would be detrimental to the residential amenities of nearby residents. The development is therefore contrary to policies SDP1(i), SDP7 (iii) (iv), SDP9 (i) (v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006) and policies CS3, CS5(1) and CS13(1) (10) (11) of the Local Development Framework Core Strategy (January 2010) as supported by the Residential Design Guide SPG.

##### Failure to enter into a Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005, as amended) in the following ways:-

a) Site specific transport works for highway improvements in the vicinity of the site in accordance with polices CS18, CS19 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the

adopted SPG relating to Planning Obligations (August 2005 as amended) - have not been secured.

b) Measures to support strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) have not been secured.

c) A financial contribution towards the provision and maintenance of public open space (including sports pitches) in accordance with 'saved' policy CLT5 of the adopted City of Southampton Local Plan Review (March 2006), policies CS21 and CS25 from the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) and applicable SPG is required to support the scheme and has not been secured;

d) In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education will be permitted to occupy the flats;

e) The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;

f) A Site Waste Management Plan;

g) Submission and implementation within a specified timescale of a Travel Plan;

h) No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones;

i) The securing of a Traffic Regulation Order (TRO) for implementation of localised parking permit scheme in the streets adjoining Westridge Road, subject to positive outcome from consultation with local residents;

j) 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;

k) The development signs up to the national best practise code for student accommodation (not managed and controlled by educational establishments) or equivalent best practise (SASSH).

#### RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Harris and Shields  
ABSTAINED: Councillor Smith

#### 79. **EAST STREET SHOPPING CENTRE AND ADJOINING LAND / 12/01355/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Redevelopment of Shopping Centre and car park as a new foodstore (5,534 square metres gross floorspace) with car parking on upper levels, including works of demolition, retention of Capital House and the Royal Oak Public House; new vehicular access arrangements, including construction of a new roundabout on Evans Street, highway and public realm improvements, including creation of a new pedestrian link between East Street and Evans Street, landscaping and associated works (affects an existing right of way).

Mr Winter, Mr Stocker (Agents), Mr Mills (Consultant), Mr Button (supporting) (Central Hall), Mr Batt (objecting) (Local Trader) and Mr Hendry (objecting) (ABP) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the following updates:

- Letters of objection received from Cllr Tucker, ABP and Future of Southampton Group
- 2 letters of support received
- that recommendation 3 be deleted;
- CS9 be included as an additional reason for granting permission
- Refuse Management Plan to be added to the S106 as a Head of Term;
- That a number of conditions be amended

### **RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the conditions in the report, the amended conditions set out below, the completion of a S106 Agreement to secure the terms set out in the report and the additional S106 Head of Term;
- ii) in the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement;
- iii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

#### Additional S106 Head of Term

(xii) Submission and implementation of a refuse management plan.

#### Additional Reason for Granting Permission

CS9

#### Amended conditions

#### 12. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission, **apart from demolition of the existing buildings**, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), .....

#### 13. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

No development shall take place within the site, **apart from demolition of the existing buildings down to ground floor slab level**, until the implementation of a programme of archaeological work .....

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

No development shall take place within the site, **apart from demolition of the existing buildings down to ground floor slab level**, until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local Planning Authority.....

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

**Before the building is first open to the public** full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins .....

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

The whole of the car parking, cycle storage and servicing facilities **for the retail use hereby approved** shown on the approved plans....

21. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)

The retail use hereby approved shall not be **first open to the public** until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details.....

22. APPROVAL CONDITION - Security measures (Pre-Occupation Condition)

Before the use hereby approved **opens to the public**, details of a CCTV system and other security measures shall be submitted to and approved in writing by the Local Planning Authority .....

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

**The retail use shall not be open to the public** 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.....

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

The development hereby approved shall not be **open to the public** 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.....

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

**Prior to the retail use opening to the public** the sustainability measures as detailed in the application documents shall be implemented unless otherwise agreed in writing by the Local Planning Authority.....

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

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Very Good' against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to **the retail use first opening to the public** unless an otherwise agreed timeframe is agreed in writing by the LPA.....

80. **GRACECHURCH HOUSE, 25-35 CASTLE WAY /12/01171/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address. (Copy of the report circulated with the agenda and appended to the signed minutes).

Alterations and extensions involving raising the height of the building and change of use from offices into a 95 room hotel (resubmission of application 11/01844/FUL).

The presenting officer reported two additional S106 Heads of Term.

**RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the conditions in the report, the S106 terms set out in the report, the additional S106 Head of Term set out below, and to be able to refuse the application if the legal agreement is not signed within two months;
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the S106 agreement and to vary, delete or add conditions as necessary.

**Additional S106 Heads of Term**

(vi) Submission and implementation within a specified timescale of a Travel Plan, in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); and,

(vii) A financial contribution towards public realm improvements within the city centre, as part of the North/South Spine Strategy, in accordance with Policies CS13 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).

81. **7 GREENBANK CRESCENT / 12/01435/FUL**

The Panel considered the 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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Change of use from C3 dwelling house to 9 bed sui generis house of multiple occupation (HMO) with associated parking

Mr McDermott (Agent), Ms Hardwick and Mr Bartlett (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

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

**Reasons for refusal**

**Unacceptable Intensification of use**

The change of use of the property from a C3 family dwelling to a large HMO (Sui Generis use), taking into account the context and character of the area, will result in an intensification in the use of the property, which by reason of the additional general activity, refuse generation, noise and disturbance would be to the detriment of the amenity of nearby residents, and is out of character with the context of the local neighbourhood. Furthermore, the provision of 1 parking space (which is less than the maximum standard set out in the Council's adopted Houses in Multiple Occupation Supplementary Planning Document) would be inadequate to help meet the travel demands of occupiers of the new development. Having regard to the site's low accessibility to public transport, the proposal is likely to result in overspill car parking on the surrounding streets which would appear out of keeping with the suburban nature of the surrounding area and result in noise and disturbance. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006; and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and as supported by section 6.7 of the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

**RECORDED VOTE**

FOR: Councillors Mrs Blatchford, Claisse, Cunio, Harris and Smith

AGAINST: Councillor Shields

82. **7 GREENBANK CRESCENT / 12/01455/OUT**

The Panel considered the 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. (Copy of the report circulated with the agenda and appended to the signed minutes).

Erection of 4x4 bed semi detached houses with associated parking and cycle/refuse storage, following demolition of existing building (outline application seeking approval for access, appearance, layout and scale)

Mr McDermott (Agent), Ms Hardwick and Mr Bartlett (objecting) (Local Residents) were present and with the consent of the Chair, addressed the meeting.

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

Reasons for refusal

Design & Character

The proposed redevelopment of 7 Greenbank Crescent with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

RECORDED VOTE

FOR: Councillors Mrs Blatchford, Claisse, Harris and Smith  
ABSTAINED: Councillor Shields

83. **NAMING OF STREET A FORMER HENDY FORD SITE, 360-364 SHIRLEY ROAD**

The Panel considered the report of the Senior Manager: Planning, Sustainability and Transport seeking approval of the street name 'Selby Place' for the new housing development under construction on the former Hendy Ford site, Shirley Road. (Copy of the report circulated with the agenda and appended to the signed minutes).

**RESOLVED** that the name 'Selby Place' as the name for the new housing development under construction on the former Hendy Ford site, Shirley Road be approved.



# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 15 January 2013 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 1.00 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<b><u>BETWEEN 9.30 AM AND 10.30 AM</u></b>					
5	RP	DEL	Q03	15	12/00106/FUL / Land between Brownhill Way and Lower Brownhill Road
<b><u>BETWEEN 10.30 AM AND 11.00 AM</u></b>					
6	JT	CAP	Q13	5	12/01577/OUT / 7 Greenbank Crescent
<b><u>BETWEEN 11.00 AM AND 11.20 AM</u></b>					
7	JT	CAP	Q13	5	12/01726/OUT / 7 Greenbank Crescent
<b><u>BETWEEN 11.20 AM AND 11.50 AM</u></b>					
8	AA	DEL	Q16	5	12/01236/FUL / Heli Beds 47-65 Bevois Valley Road SO14 0JS
<b><u>BETWEEN 11.50 AM AND 12.20 PM</u></b>					
9	JT	CAP	Q20	5	12/01531/FUL / Rear of Elsie Cottage Holt Court, Weston Lane SO19 9RA
<b><u>BETWEEN 12.20 PM AND 12.40 PM</u></b>					
10	AG	CAP	Q20	5	12/01459/FUL / Southampton Logistics Ltd, Unit F West Quay Road SO15 1GZ
<b><u>BETWEEN 12.40 PM AND 1.00 PM</u></b>					
11	MP	CAP	Q20	5	12/01516/FUL / G T House Ashley Crescent, SO19 9NA
<b><u>LUNCH BETWEEN 1.00 PM AND 1.45 PM</u></b>					
<b><u>BETWEEN 1.45 PM AND 2.30 PM</u></b>					
12	RP	DEL	Q07	15	12/01522/FUL / Part of Former New College Site The Avenue SO17 1XJ
<b><u>MAIN AGENDA REPORT TAKEN AT ANY TIME DURING THE MEETING</u></b>					
13	NG	AGREE	N/A	5	Removal of 7 trees in Vokes Memorial Gardens Platform Road to allow highway improvements

### **Abbreviations:**

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

MP – Mathew Pidgeon, RP – Richard Plume, AA – Andy Amery, JT – Jenna Turner, AG – Andy Gregory, NG – Nik Gruber

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

### **Report of Executive Director of Environment**

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

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

##### **Applications:**

##### **Background Papers**

1. **Documents specifically related to the application**
  - (a) Application forms, plans, supporting documents, reports and covering letters
  - (b) Relevant planning history
  - (c) Response to consultation requests
  - (d) Representations made by interested parties
  
2. **Statutory Plans**
  - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
  - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)
  
3. **Statutory Plans in Preparation**
  - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)
  
4. **Policies and Briefs published and adopted by Southampton City Council**
  - (a) Old Town Development Strategy (2004)
  - (b) Public Art Strategy
  - (c) North South Spine Strategy (2004)
  - (d) Southampton City Centre Development Design Guide (2004)
  - (e) Streetscape Manual (2005)
  - (f) Residential Design Guide (2006)
  - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
  - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordwood 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 (2012)
- (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 (2011)
- (ww) Houses in Multiple Occupation SPD (2012)

\* 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) National Planning Policy Framework (27.3.2012)

8. 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)

9. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Revised: 10.7.2012

# Agenda Item 5

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 15 January 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Land between Brownhill Way and Lower Brownhill Road			
<b>Proposed development:</b> Demolition of six residential properties and erection of a Regional Distribution Centre (42,820 square metres gross floor space - Class B8), 186 associated car parking spaces, HGV hardstanding, two sprinkler tanks and pump room and new peripheral landscaping. Proposal includes the stopping up of Lower Redbridge Lane and diversion of a public right of way.			
<b>Application number</b>	12/00106/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>	16.04.2012	<b>Ward</b>	Redbridge
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr McEwing Cllr Pope Cllr Whitbread

<b>Applicant:</b> Lidl Uk Gmbh And The Trustees of The Barker - Mill Family Trust	<b>Agent:</b> None
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application constitutes a departure from Policy MSA 20 of the Local Plan but in view of the apparent lack of interest in providing a CHP facility on this site the Council considers that alternative uses should be considered. The economic development benefits of the scheme are considered to outweigh the negative issues associated with the development. The impact of the development in terms of transport, design, ecology, environmental impact and neighbour amenity issues is considered to be acceptable subject to mitigation measures being covered by conditions and the Section 106 agreement. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, NE4, HE6, TI2 and MSA20 of the City of Southampton Local Plan Review (March 2006) and Policies CS6, CS7, CS10, CS13, CS18, CS19, CS20, CS22, CS23, CS24 and

### **Recommendation in Full**

- 1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Site specific transport 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) to include:
    - Improvements to Junction 3 of the M27;
    - Improvements to Junction 1 of the M271;
    - Dualling of Brownhill Way;
    - Pedestrian Crossing at Brownhill Way and associated improvements for pedestrians/cyclists.
  - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy Policies CS24 and CS25.
  - iv. The submission, approval and implementation of public art that is consistent with the Council's Public Art Strategy.
  - v. Submission and implementation within a specified timescale of a Travel Plan.
  - vi. A Lorry Routing Agreement and subsequent monitoring arrangements.
  - vii. Hedgerow Transplanting arrangements.
  - viii. Safeguarding of land at Bargain Farm for Park and Ride provision.
  - ix. Dedication of land to public use, construction and adoption of the new public right of way.
  - x. 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.
- 2) In the event that the legal agreement is not completed within two months of the date of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- 3) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

- 4) That the Panel authorise the diversion of the public right of way footpath as proposed in the application.

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

- 1.1 The application site is 11.47 hectares in area and is situated in the north-western corner of the city close to where Brownhill Way joins the M271. The application site is partly within the administrative area of Test Valley Borough Council (TVBC- 6.6 hectares) and partly within the City Council area (4.86 hectares).
- 1.2 The application site is currently two agricultural fields, an existing public highway, Redbridge Lane, and a group of six two storey houses fronting Redbridge Lane and which are known as New Cottages. The larger, western field is used for casual grazing, having previously been used for gravel extraction and subsequently returned to its natural state. The eastern field is cultivated for small scale crops. A public footpath crosses the site, extending from Redbridge Lane, immediately north of New Cottages and runs diagonally across the site to connect to Lower Brownhill Road.
- 1.3 The surrounding area comprises a mixture of commercial, residential, leisure and educational uses. Directly adjoining to the west of the application site is the M271, a dual carriageway motorway with Junction 1 located at the north-west corner of the site. On the opposite side of the motorway is an extensive area of industrial units on the Nursling Industrial Estate. To the north of the application site is the partly-developed Adanac Park business development and residential properties in Hillyfields - this adjoining land is all within Test Valley Borough Council.
- 1.4 The Adanac Park development currently comprises a major headquarters building for Ordnance Survey (OS) and a Holiday Inn Express. There is a proposal for a private hospital on land between the OS headquarters and the hotel, which has not been implemented. The remainder of Adanac Park has outline planning permission for large scale business premises set within three plots, with a total floorspace of approximately 50,000 square metres. Immediately to the east of the application site are two residential properties, known as 1 and 2 New Cottages, Lower Brownhill Road.
- 1.5 Beyond that is a triangular plot of agricultural land for which there is approval in principle to build 14 two storey houses (Council reference 12/00596/FUL). Holy Family Primary School adjoins to the south-east at the corner of Lower Brownhill Road and Mansel Road West with residential properties beyond. Directly adjoining to the south of the site are playing fields for Southampton Rugby Club and a recently-developed sports facility for Southampton Solent University. This includes floodlit artificial sports pitches, a football ground and associated pavilion facilities with access from Lower Brownhill Road.

## **2.0 Proposal**

- 2.1 The application proposes redevelopment of the site to provide a regional distribution building (Class B8 - 42,820 square metres gross floorspace) for Lidl UK, to serve their retail stores in the South of England. Their existing stores in the South are currently served by distribution centres in Weston-Super-Mare and London. The proposed distribution centre will receive goods from Lidl's suppliers and then distribute to its existing stores in the South, an area bounded by Weymouth, Newbury and Worthing. The facility will operate 24 hours a day, 7

days a week. Based on an assessment of the applicant's existing distribution centre at Weston-Super-Mare, the proposal will provide approximately 350 (full-time equivalent) jobs. The proposal involves demolishing the six existing residential properties (New Cottages, Redbridge Lane), which are within TVBC and closing Redbridge Lane which would be built over.

- 2.2 The proposed building is a simple rectangular form and measures 311 metres in length and 124 metres in width. The main warehouse building will contain ambient and chilled elements with extensive areas of racking, plant room, fruit and vegetable pick areas, chillers, freezer, pallet storage and recycling area. At the northern end of the site a three storey part of the building would be ancillary office accommodation. The height of the building steps down from north to south in three elements: The northern section has an eaves height of 16.66m and an overall parapet height of 18.33m; the central section has an eaves height of 14.22m and a parapet height of 15.89m; the lower and smallest section of the building at the southern end of the site has an eaves height of 11m and a parapet height of 13.10m. The proposed materials are metallic silver profiled metal cladding to the warehouse building; four shades of grey metal cladding to the office element with dark grey window frames, dark grey steel external doors; and dark grey plastic fascias/soffits and rainwater goods. The other structures on the site include a pump house and two circular sprinkler tanks of 9.4m in height to be sited adjoining the south-eastern part of the warehouse building.
- 2.3 The vehicular access to the site will be from Brownhill Way in a similar position to the Redbridge Lane junction. This access will be a "left in and left out" configuration, leading to an internal road which will be two-way. On entering the site, HGVs will turn right and staff/visitors will turn left to access a 186 space car park in the north-eastern part of the site. There will be 162 HGV parking spaces of which 100 would be in bays of the warehouse, 30 in dedicated parking areas either side of the building, 19 in an HGV overflow parking area and 13 in the recycling area. The operation of the warehouse is such that there are separate "goods in" and "goods out" sides of the building. The goods in element is on the eastern side and the goods out is on the western side of the building adjoining the M271. There are 45 HGV delivery bays for the goods in side and 55 bays for the goods out. On the southern elevation of the building there is a pallet storage and recycling area served by 13 bays. An emergency access route would be provided from the site to Lower Brownhill Road.
- 2.4 Various highway improvements are proposed as part of the development. These alterations include turning Brownhill Way into a dual carriageway between the M271 junction and the Adanac Park access roundabout; upgrading Junction 1 of the M271 to increase the number of lanes and to facilitate cycle and pedestrian crossing; and improvements to Junction 3 of the M27, including the re-definition of lanes to increase capacity. These alterations are predominantly outside the City boundary and therefore fall within the highway responsibilities of either Hampshire County Council, or in the case of the motorway network, the Highways Agency. These highway alterations have previously been agreed as part of the next phase of the Adanac Park development, but it is now proposed to bring these forward as part of the current application. The existing right of way footpath which crosses the site would be extinguished and diverted to the far eastern end of the site where it would be a 4m wide shared cycleway/footpath connecting Lower Brownhill Road to Brownhill Way.
- 2.5 The application proposals incorporate a landscaped buffer zone around the



perimeter of the site. This zone, which includes a bund with fencing above, would be 15m wide adjoining the M271 motorway and Brownhill Way; 20m wide along the eastern boundary of the site and opposite the school; subsequently reducing in width to between 10m and 18.5m along the remainder of the southern boundary. This landscaped buffer and bunded area will incorporate acoustic fencing of between 3m and 4m in height around the entire perimeter of the site, with the exception of the two access points. Alterations are proposed to the drainage ditch which crosses the site. In the southern corner of the site an attenuation pond will be provided for surface water drainage purposes.

- 2.6 The application was amended in late October 2012 in response to comments on the application originally submitted. The changes were: a reduction in the height of the building along the western, southern and eastern elevations; an increase to the footprint of the building in the north-western corner to provide an additional acoustic barrier; other design changes; and redesign of the landscaped bunding and acoustic fencing to the western, southern and eastern sides. There were no changes made to the floorspace of the building or the vehicular access and parking arrangements.
- 2.7 Identical applications have been submitted to both Councils. The application is supported by a series of specialist reports including: a Design and Access Statement; Landscape and Visual Impact Assessment; Transport Assessment and Travel Plan; Ecology Survey and Report; Flood Risk Assessment; Noise Assessment; Lighting Assessment and Air Quality Assessment.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. It should be noted that the application constitutes a departure from the development plan due to site allocation Policy MSA 20.
- 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 National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

- 4.1 In 2003, a planning application was submitted for the installation of a combined heat and power station with ancillary buildings including two 15 metre high exhaust stacks, a visitors' centre, landscaped bunds and car parking (reference 03/01654/FUL). The Council resolved to grant permission for this development but the application was subsequently withdrawn.
- 4.2 In May 2011, the Council issued a 'Screening Opinion' under the Environmental Impact Assessment Regulations confirming that the development subject of this application did not require an Environmental Statement to be submitted. TVBC made the same decision in response to a screening request submitted to them.

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 The applicants undertook a public consultation exercise at the pre-application stage. 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 (02.02.2012) and erecting a site notice (02.02.2012). At the time of writing the report **15** representations have been received from surrounding residents, including one signed by 18 residents, and a petition signed by 35 local residents. The following is a summary of the points raised.
- 5.2 **Erection of a large regional distribution centre in a residential area is totally inappropriate. The existing industrial units are currently all located on the other side of the motorway away from the housing.**

##### Response

It would not be accurate to describe this as an entirely residential area, given the proximity of the Solent University sports facility, the business developments at Adanac Park and the David Lloyd leisure facility. The impact of the development on neighbouring residential amenity is discussed below.

- 5.3 **The M271 is only a two lane motorway that would be unable to cope with the additional traffic from the proposed distribution centre, both employees and lorries. The proposal would significantly increase the road traffic on Mansel Road West which will endanger children attending the two schools on that road. The loss of Redbridge Lane will considerably increase traffic along Lower Brownhill Road, causing further congestion/danger to children.**

**The redirection of the existing footpath along the New Cottages boundary will create an unsafe route with blind corners at each end. It will also increase vulnerability to burglars, litter and fly-tipping.**

**The part of Redbridge Lane to be closed is a popular rat-run from the Millbrook Estate to the motorway. All traffic on the Millbrook Estate will have to turn right at Holy Family School, which is already a congested section of road.**

**The road network between the motorway and Lordshill is already at capacity, with traffic crawling or at a standstill every weekday in the early**

**morning and late afternoon along Brownhill Way. There will be no means of preventing heavy goods vehicles from using Mansel Road West.**

**The existing road and pathways in the area were designed with little or no consideration for cyclists and pedestrians. It is conceivable that the development will compound this example of bad planning.**

Response

These highways and transportation issues are addressed later in this report.

- 5.4 **The character of the area will be changed greatly by this development. The UK has a growing population so farmland should be protected. The land is an area of productive market garden crops which is highly valued by local people. This development should be on brownfield land such as the existing industrial estate, because open spaces, fields and playing areas are becoming few and far between.**

Response

This is a large scale proposal which will undoubtedly change the character of this part of the city given the existing low-key use of the application site. However, part of the site is allocated in the Local Plan for delivering a CHP Plant and in the Test Valley Local Plan the land is safeguarded as a park and ride facility.

Consequently, in the long term, the site was not likely to remain undeveloped. This Council has no policies to safeguard existing farming land.

- 5.5 **The landscaped surround will take 10 years to be fully effective. The proposed 20m buffer zone is totally inadequate. The comparable Tesco Distribution Warehouse at Nursling Industrial Estate has a much larger buffer separating it from Station Cottages, Station Road. The impact on the adjoining school will be severe, with additional noise and pollution, and the loss of open fields will have a negative impact on outlook from the school.**

Response

The landscaped buffer takes up a considerable area, some 2.6 hectares, which is over 20% of the site area. The landscaping will take time to become fully established and the applicants Visual Impact Assessment shows the extent of the landscape screening after 5 and 10 years when the planting and acoustic fencing will play an important role in screening the building.

- 5.6 **Demolition of six residential properties at a time of national housing shortage seems inappropriate.**

Response

The residential properties are within the TVBC part of the site, so this is a matter for that authority to consider.

- 5.7 **Councillor Pope:** The application might be considered more favourably if it contained renewable energy, e.g. solar panels on the massive roof. This would be a continuation of the principles of Local Plan Policy MSA 20. It might also be more favourably considered if goods were brought in through Southampton Docks.

- 5.8 **Holy Family Primary School:** Objects to the application. The school currently has an open green setting, the siting of a major industrial building directly alongside will dwarf the school buildings and create an oppressive industrial

environment for the children. There will be a substantial amount of traffic, 24 hours a day. If drivers arrive early for their loading spot they will park in adjoining roads, creating a potential safety risk. (Response - these issues are addressed later in this report).

## 5.9 Re-consultation

Following receipt of the amendments to the application, re-consultation took place which resulted in 3 further objections on the following grounds:

- The amendments do not address the previous concerns regarding the destruction of housing and productive farmland, or the increased traffic along Lower Brownhill Road and danger to local children.
- The proposal could increase the risk of flooding to adjoining properties due to the proposed screening embankment.
- The proposed diversion of the footpath could result in the felling of trees.
- Stopping up Redbridge Lane will destroy the link between the motorway and Mansel Road West. Diverting all that traffic into the already inadequate junction of Lower Brownhill Road and Brownhill Way will cause traffic problems and risks to children.

5.10 **SCC Highways** - The main impact of the HGV vehicle movements will be on the adjacent motorway network and up to the new Adanac Park roundabout, where lorries will turn to approach the new site access. Some local deliveries may use Brownhill Way, there is a Lidl branch in Shirley, another in Southampton City Centre, and a proposed branch at Thornhill. Staff are likely to be drawn from a fairly local catchment area and those using cars may well approach and depart through the city's network. However, the impact these movements are likely to have on the operation of the nearby junctions is negligible, especially as Lidl will operate a shift system for their staff. The site is not easily accessed by sustainable modes, and therefore there is a need to provide pedestrian and cycle links to the site to ensure that staff have a good safe option to use of the car. The applicants do propose some cycle links adjacent to their site, linking into the estate to the rear via Lower Brownhill Road. There is a requirement on the developer to expand the cycle links further to the traffic signal controlled junction with Frogmore Lane and Brownhill Way, and provide crossing points for cycles and pedestrians to safely link the routes together. This then links the cycle route with an existing network. There is a bus service which serves Adanac Park, and further bus routes which run around the Millbrook estate which provide a walkable distance to the site via Mansel Road West. The proposals are acceptable for the above reasons, and there are no objections to the application.

5.11 **SCC Planning Policy** - Part of the land is safeguarded as a CHP site under policy allocation MSA20. This proposal constitutes a departure from the local plan, but given the length of time that has passed without new proposals coming forward and the potential Helius scheme at the Docks, planning policy would not object to this application which would contribute to the Council's economic objectives and delivery of employment floorspace as supported by Core Strategy Policy CS6 and the wider PUSH strategy. The area of land in Test Valley is safeguarded for a Park and Ride site. If the application site is released for Class B8 use, the intention is that part of Bargain Farm in Test Valley would be safeguarded for Park and Ride use (around 600 car spaces). This would ensure that the authority does not lose this option entirely.

- 5.12 **SCC Trees** - This proposal will have no direct affect on any important amenity / landscape trees. In 2010 several trees were removed along Redbridge Lane which could be replaced in the new landscaping scheme. I propose to make a new TPO on the most significant trees along Lower Brownhill Way and New Cottages. I note the ambitious hedge relocation scheme which I would support but doubtful of successful establishment. I would raise no objections to this application on tree grounds subject to conditions.
- 5.13 **SCC Sustainability Team** – It is recommended that photovoltaics are investigated, given the large expanse of flat roof. Photovoltaic panels will reduce the electricity costs for the applicant and allow for a profit after the payback period. There is concern over the loss of a large amount of previously permeable land and a green roof would assist in overcoming these concerns. Green roofs can be used in combination with photovoltaics. A green roof would assist with achieving a number of credits needed to meet the BREEAM standard and improve the thermal performance of the building. The estimated BREEAM score is 55.63% where 55% is required for a 'Very Good' rating so there is no margin for slippage. (Note: As the application was originally submitted in 2011 the Core Strategy requires BREEAM 'Very Good'.)
- 5.14 **SCC Archaeology** – Although the site lies outside the main areas of archaeological importance, there is considerable evidence for activity dating from the later prehistoric period in the surrounding area. This includes the regionally important Iron Age site discovered during the construction of the new Ordnance Survey headquarters at Adanac Park and the early / mid Bronze Age site recently discovered during the construction of the Solent University Sports Ground. There have previously been discussions regarding the potential archaeological requirements for the site and the developer has submitted an archaeological desk based assessment (DBA) for the site, however, the results of this will still need to be tested in the field. Due to the archaeological sensitivity of the area, a phased programme of archaeological fieldwork will be required in advance of the development. This will need to begin with a field evaluation to test the results of the DBA submitted in support of the application. A decision as to whether or not any subsequent archaeological work will be required can be reached once the results of the initial evaluation phase are known. Although there is the potential for archaeology to survive, there is unlikely to be anything on the site that will require preservation in-situ and prove to be an overriding constraint to development. Consequently, the required archaeological works can best be secured by conditions.
- 5.15 **SCC Rights of Way Officer** - (Comments on the application originally submitted). Object to the application because of the inadequate width of the proposed 3m footpath that is to include the diverted public right of way. That part of the footpath in Test Valley (Nursling & Rownhams Footpath No 12) will be extinguished and that in Southampton (Southampton Footpath No 16) will be diverted. The whole of the new diverted footpath will be in Southampton. As the proposal indicates the new route will be both footpath and cycleway involving a definitive right of way, the route ideally needs to be segregated and not “shared”. The width of 3m would be inadequate for such segregation and should be 4m wide. Measures will need to be in place to ensure the new route is provided before the extinguishment of the existing route. No objections to the amended proposals subject to suitable safeguards which will include markings to delineate cycleway/footway, the precise alignment of the footpath, type of fencing and measures to negate use by motorcycles. (These detailed issues can be covered

by a condition).

- 5.16 **SCC Environmental Health (Pollution/Safety)** – There have been extensive discussions with the applicant and with TVBC about this application particularly with regards to potential noise issues. I agree with the officers at TVBC that even when considering the proposed noise mitigation measures, a significant noise impact is anticipated. However, taking account of all of the circumstances, the impact is not considered to be unacceptable. A range of conditions are recommended which have been agreed with TVBC.
- 5.17 **SCC Environmental Health (Contaminated Land)** - The proposal is for the construction of a distribution centre. This is not regarded as a sensitive land use, however, the mobilization of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase. The history of Southampton City presents many potential contamination hazards to much of the land in its area. Records maintained by this department indicate that the subject property is situated adjacent/on the following current/historical land uses - Landfill (on site). Land contamination hazards associated with such land uses includes inorganic chemicals, metals and metalloid compounds and hydrocarbons. Consequently there exists the potential for such hazards to significantly impact upon the development. Therefore, if planning permission is granted, conditions should be imposed.
- 5.18 **SCC Ecology** – No objections provided the mitigation measures detailed in the Phase 1 and 2 Ecology Report are implemented. In terms of the removal and translocation of the hedgerow I accept the point about problems finding suitable sites but I don't think the proposed sites provide sufficient connectivity to the city. One adds to an existing hedgerow but doesn't fill the gap to the south of that hedgerow whilst the other is separated from the city by roads and built development. I therefore conclude that the development will, at least in the short term, result in a net loss of biodiversity to the city. In which case the management of the buffer strip around the boundary of the development site will be key to achieving restoration of the lost biodiversity. However, bearing in mind the need to balance the importance of the development as compared to the biodiversity interest, I think we will reluctantly have to accept what is proposed. We therefore need to be confident that the buffer will be managed appropriately and to that end should request submission of a management plan, via a condition or S.106 agreement.
- 5.19 **Environment Agency** - No objections in principle providing a condition is imposed requiring the works to be carried out in accordance with the applicants Flood Risk Assessment (FRA) and the mitigation measures included in the FRA. (Advice) - The Environment Agency supports the use of green infrastructure where possible. Whilst there may be an opportunity to utilise the large roof area by way of either a 'green' or 'blue' roof arrangement, the developer has demonstrated that the proposed SUDS scheme will function effectively to manage flood risk, reduce pollution and improve habitat potential. Separate Flood Defence Consent will be required under the Land Drainage Act 1991 for the proposed diversion of the watercourse on the site. (Response - condition recommended).
- 5.20 **Southern Water** – There are existing water trunk mains, foul sewer and rising mains crossing the site, the exact position must be determined on site by the applicant before the layout is finalised. It might be possible to divert the apparatus so long as this would result in no unacceptable loss of hydraulic capacity and the

work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. No objections subject to the inclusion of informatives relating to provision of sewerage infrastructure and water supply.

- 5.21 **Highways Agency** - the development affects Trunk Roads and Special Roads and the Secretary of State for Transport directs that conditions be attached to any planning permission which may be granted. The conditions in question require the necessary improvements to Junction 1 of the M271 and Junction 3 of the M27 to be completed prior to the first occupation of the development. (Response - condition recommended).
- 5.22 **Natural England** - The proposal is unlikely to have a significant affect on the interest features of the Solent and Southampton Water Special Protection Area (SPA/Ramsar) or Solent Maritime Special Area of Conservation (SAC). Therefore, it does not require Appropriate Assessment in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 provided a condition is imposed restricting the use of percussive piling or heavy machinery within the waterfowl over-wintering period, 1 October to 31 March inclusive. Similarly it is Natural England's advice that the Lower Test Valley Site of Special Scientific Interest (SSSI) is unlikely to be adversely affected subject to the same condition being imposed. (Response - a condition restricting piling operations can be imposed but it would not be practical to restrict other unspecified heavy machinery as this would not meet the precision test for a condition as recommended by government advice).
- 5.23 **Hampshire Chamber of Commerce** - express strong support for the proposal. The site is appropriate for this use with good motorway access to create a more sustainable distribution network for Lidl covering the south rather than using their Weston-Super-Mare and London distribution centres. The proposed use will bring up to 400 new jobs and community benefits to an area in urgent need of employment. It will also help sustain the existing public transport infrastructure serving Adanac Park's current and future businesses. Hampshire Chamber agrees with the decision to dual the carriageway at the entrance to the site and to bring forward the local highway improvements committed as part of the Adanac Park Phase 2 development to improve the existing traffic flow and improve highway safety ahead of the centre opening. Whilst fully supporting the proposal, Hampshire Chamber recommends that the correct attention is paid to the transport requirements to avoid an unacceptable increase in traffic congestion in the area, in particular for the roundabout which will be used by Lidl and already used by the distribution sector firms on the Nursling Estate.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of developing the site with a substantial Class B8 building.

- Regeneration and economic development considerations.
- Design, including the size and external appearance of the building, and landscaping issues.
- Transport issues, including the impact on the highway network, access arrangements and the level of parking proposed.
- Ecology, environmental and sustainability issues.
- Impact on the amenities of neighbouring occupiers.

## 6.2 Principle of Development

- 6.2.1 The policy background to this site is complicated by being within two local planning authorities with differing approaches. The land in the city has an historic site allocation under Local Plan Policy MSA 20. This allocation covers less than half of the area of the application site which is within the city boundary. The remainder of the site within Southampton has no specific designation. Policy MSA 20 allocated a defined area for a Combined Heat and Power (CHP) facility to serve the energy requirements of the regeneration of the Millbrook and Nursling areas. As outlined in paragraph 4.1 of this report, there was a planning application in 2003 for a CHP facility in the southern part of the site. Although this application was supported by the Council, the proposal did not proceed and the planning application was subsequently withdrawn. There has been no subsequent interest in a similar development. Given the passage of time, it would be reasonable to consider alternative uses of the land which offer economic development and employment opportunities.
- 6.2.2 The other key policy issue relates to a long-standing aspiration for a Park and Ride facility in this part of the city. The Hampshire County Structure Plan identified the need to safeguard land at Nursling, Windhover and Stoneham for bus-based Park and Ride. This approach has been taken forward in Policy CS 18 of the Core Strategy which seeks to deliver three Park and Ride sites in the eastern, northern and western approaches to Southampton, with the associated bus priority measures which may be necessary.
- 6.2.3 In this area, land within Southampton is not specifically allocated for Park and Ride, but the Test Valley Local Plan does safeguard the western field of the application site for such a Park and Ride facility. This allocation has not been taken up and the emerging Test Valley Core Strategy proposes to allocate the application site for Class B8 use and to relocate the Park and Ride proposals to Bargain Farm, to the north-east of the application site, which is also partly within TVBC and the City Council area. This land is within the ownership of the Trustees of the Barker Mills Estate, who are the joint applicants in this case. Negotiations have taken place with the owners and a suitable obligation can be included within the Section 106 agreement to restrict the use of this land to Park and Ride purposes.
- 6.2.4 Consequently, approval of this application will not prejudice the previously identified policy safeguard for a Park and Ride facility. Members may recall that some of the fringe sites on the edge of the City boundary were previously safeguarded as a strategic gap between the City and adjoining settlements. In policy terms, this has not applied to this area for some years and as far as the City Council is concerned, there is no policy presumption of keeping this site as open land. It is worth noting, however, that the adjoining land to the south, Test Playing Fields, is protected open space under Core Strategy Policy CS 21.



6.2.5 Turning to the need for new Class B8 warehousing development, various research carried out for PUSH and other organisations in recent years has recognised a shortage of Class B8 floorspace in South Hampshire, and a shortfall of suitable sites for large scale distribution facilities. This has been carried forward by Policy CS 6 of the Core Strategy, which identifies the need for 97,000 sqm of employment floorspace for industry/warehousing over the plan period. The proximity of the site to the motorway network makes this an attractive location for a distribution facility similar to those situated on the western side of the M271. In these circumstances, the principle of a Class B8 development on this site is considered to be acceptable, even though it constitutes a departure from the development plan, given the MSA20 policy allocation.

### 6.3 Regeneration and economic development considerations

6.3.1 The applicants have been looking for a suitable site to serve their existing and proposed operations in southern England for some time. There is a shortage of suitable sites for large scale distribution warehouses. The retail and distribution sectors of the economy are growing relative to other sectors and this major investment from outside the Hampshire sub-region is welcomed. The urban centres of Southampton, Portsmouth and Bournemouth represent the core of the south coast sites and Lidl consider that the western end of the M27 corridor represents the optimum location in reducing the amount of HGV mileage. The application site is well-located in relation to the strategic road network and close to a large potential workforce.

6.3.2 The regeneration benefits associated with this development are therefore considerable and a large number of new jobs (350 full-time equivalent) would be created with positions including warehouse operatives, office administrators, transport and logistic positions. This would benefit the adjoining area, Redbridge and Millbrook, which currently has quite a high level of unemployment. These employment benefits to the local area can be secured through the training and employment management plan as part of the Section 106 agreement.

### 6.4 Design

6.4.1 Even by the normal standards of distribution buildings, this is a very substantial structure which will markedly change the semi-rural character of this land. The building is the equivalent of three football pitches in length and the average height of approximately 16 metres is the equivalent of a 4/5 storey residential building.

6.4.2 With a structure of this size, there are only limited ways of reducing the apparent scale and mass of the building. Different approaches have been considered, including a strongly colour-contrasting building. However, this was not considered to be a suitable design solution for this location. The chosen design approach has been to incorporate a silver/grey cladding material which will enable the building to blend into the skyline, particularly on gloomy days.

6.4.3 A large warehouse structure with delivery bay openings will inevitably be somewhat monotonous and it is difficult to include features of interest. The northern part of the building, incorporating the offices and entrance, will provide some design quality and the use of banded cladding colours and larger areas of glazing is a suitable approach for this prominent elevation. Amendments have been made to the application to reduce the height of the building. At the southern end, the height has been reduced by some 2 metres, the goods-in/ goods-out side

of the building has been reduced in height by about 6 metres.

6.4.4 This lowering in relation to the central higher element goes some way to reducing the apparent mass of the building. The application is accompanied by a comprehensive Landscape Visual Impact Assessment. This includes verifiable views from key locations, which show the impact of the building, with the current situation and future planting as assessed after five and ten years. The building would be partially screened by this substantial landscaped buffer, which will provide a green backdrop to the building. The impact on views is mainly local in nature.

## 6.5 Transport Issues

6.5.1 As part of the proposals, Redbridge Lane would be closed from its junction with Brownhill Way in the north to the junction with Lower Brownhill Road in the south. This road is currently narrow, with no pedestrian footways and hedgerows on either side. It is used as the sole access to New Cottages, and is one of two routes to Southampton Rugby Club and the Solent University Sports Ground. It is also used as a rat-run between the Millbrook Estate and the motorway, avoiding the traffic lights to the east.

6.5.2 The road closure procedure is a separate matter to be pursued following the grant of planning permission, but Highways Officers are satisfied that the closure of the road would not result in highway safety/public access concerns.

6.5.3 The proposed distribution centre will operate 24 hours a day but with limited night time activity. It will result in a significant increase in HGV traffic in the area. The vast majority of HGVs serving the site will come from the M271 and enter the site by going around the Adanac Park roundabout and left into the site.

6.5.4 On leaving the site, HGVs would turn left into Brownhill Way and travel directly towards the M271. The Transport Assessment (TA) has considered various scenarios, including existing traffic levels and committed developments which includes the future phases of Adanac Park, and a design scenario which takes into account the proposed amendments to the road network. Scenarios for 2018, for the local roads, and 2021 for the strategic roads, have been undertaken.

6.5.5 The junctions assessed as part of the TA include the M271 Junction 1, Adanac Roundabout, and the Brownhill Way/Frogmore Lane signal junction. These assessments show the junctions would work satisfactorily following the new development. The proposed highway improvements to Junction 1 of the M271 were previously agreed as part of the Adanac Park planning permission. These improvements will create a signal-controlled roundabout to enable the safe movement of pedestrians and cyclists from Brownhill Way to the Nursling Industrial Estate. It will also include the widening of the circulatory carriageway and the M271 southbound slip road entry to the junction. The alterations have been agreed with the Highways Agency who are the highway authority for the motorway network.

- 6.5.6 These improvements will benefit the wider area and can be brought forward as part of this application. Ward Councillors in both Southampton and Test Valley have expressed concern that HGV's may, on occasions, use local roads in preference to the motorway network. Test Valley and Hampshire County Council have experience of a similar warehouse facility at Andover where a system of Automatic Number Plate Recognition is in place, monitored by cameras, to ensure the approved lorry routing arrangements are adhered to. This has been discussed with the applicants and arrangements for future monitoring of vehicle movements can be incorporated as part of the Section 106 agreement.
- 6.5.7 Of the proposed employees, 126 would be drivers employed by 13 haulage firms, 274 staff would commute to and from the site, of which 249 will be full-time and 25 part-time. The majority of the working shifts will be between the hours of 5am and 10pm, with approximately 10 members of staff working between 10pm and 5am. The total number of staff on site at any one time will be around 155, comprising 130 in the warehouse and 25 in the offices. The level of car parking (186 spaces) is considered to be acceptable given this pattern of shift working.
- 6.5.8 The location of the existing right of way footpath which runs diagonally across the site will need to be diverted to allow the building to be constructed. The existing track runs across agricultural land and is not properly surfaced or lit. The proposed new route would maintain the connection between Brownhill Way and Lower Brownhill Road. It would be built to adoptable standards which would allow for a wider shared cycleway/footway to be created, with a better surface and lighting. Although there would be a change in the character of the route, it should be more attractive and usable, particularly in non-daylight hours. The new location would connect better to the development of Adanac Park to the north, including a new pedestrian crossing across Brownhill Way which will improve conditions for pedestrians and cyclists in this area. The precise details and alignment of the new right of way path can be secured by a condition.

## 6.6 Sustainability

- 6.6.1 In terms of compliance with Core Strategy Policy CS20, the applicants have undertaken to achieve a BREEAM rating of 'Very Good'. The submitted pre-assessment indicates a score of 55.63% can be achieved. A range of measures can be incorporated to ensure a 12.5% reduction in CO<sub>2</sub> emissions. The applicants propose to install a waste heat recovery system which will utilise heat from the refrigeration plant to heat the warehouse.
- 6.6.2 The applicants state that other forms of renewable energy may be incorporated but cannot be guaranteed at this stage. They do intend to construct the roof of the building to allow for future photovoltaic panels and this can be secured through a condition. Extensive discussions have taken place with the applicants regarding the potential for additional sustainability measures, over and above the requirements of BREEAM very good.
- 6.6.3 These measures include the potential for a green roof and photovoltaics over an extensive area of flat roof. However, the applicants are not prepared to incorporate a green roof as there is no specific policy requirement at local or national level. They do not consider a green roof to be cost-effective, given the implications of extra loading for a steel-framed structure and ongoing maintenance costs. It is perhaps regrettable that the applicant is unable to maximise the sustainability credentials of the building but the development is

policy compliant and therefore acceptable.

- 6.6.4 On a wider sustainability scale, the proposed development would result in a significant reduction in heavy goods vehicle movements on the road network in Southern England. The existing distribution centres are some distance away which is inefficient when compared to the current proposal. The applicants estimate that the new facility would result in a total of 4,678 miles 'saved' per day, the equivalent of approximately 1.7 million miles per year. This is an important material consideration in favour of the development.

## 6.7 Ecology and Environmental Issues

- 6.7.1 The applicants' ecological survey and assessment identified a low to medium potential for protected species on the site. There is a bat roost within the existing houses to be demolished. It was originally proposed to utilise a series of on site bat boxes installed on mature trees and telegraph poles. However, it was subsequently decided that the proposed lighting strategy, combined with existing off-site lighting would result in few areas of sufficiently low levels of lighting to be suitable for re-housing bats. Consequently, it is now proposed to transport all the recovered bats to a nearby woodland site, Home Covert, which is a site of importance for nature conservation and is close by, approximately 600m to the north-east of the site. This land is within the ownership of the joint applicant and therefore can be secured for the future.
- 6.7.2 Little evidence of reptile species was found on site. The main loss of biodiversity on the site is the removal of the existing hedgerows, particularly those adjoining Redbridge Lane, which have been classified as "important" under the Hedgerow Regulations (1997). It is not possible to retain these hedgerows on site. The mitigation proposed is to translocate the important areas of hedgerow to surrogate sites within the ownership of the joint applicant. These sites are all within TVBC rather than the city. The Council's Planning Ecologist considers that, in the short term, the development would result in a net loss of biodiversity to the city. This is regrettable but on balance can be mitigated by the new on-site landscaping.
- 6.7.3 The site is located within Flood Risk Zone 1, which means there is a low probability of flooding. A surface water drainage strategy is based on the collection of run-off from hard-standing and roof areas and conveyance to the proposed attenuation pond. The Environment Agency have raised no objections to the proposal (see comments in paragraph 5.19 of this report).

## 6.8 Impact on neighbours

- 6.8.1 Noise is the main issue affecting the neighbours, as the proposed use would be a 24 hour operation. A noise assessment was carried out in December 2011 and supplementary reports prepared in September and November 2012. There is likely to be a significant noise impact arising from HGV movements on site, including manoeuvring and reversing into loading bays and from truck-mounted refrigerated plant on chilled and frozen produce lorries. The local area is characterised by relatively high levels of background noise as a consequence of the M271, but the prevailing noise level will increase measurably, but by not more than 3dB as a time average. Various mitigation measures have been discussed. The goods-out side of the warehouse is expected to be noisier because it will service outgoing refrigerated lorries during the most noise-sensitive times (2300 to 0600hrs). This part of the operation is on the west side of the building,

adjoining the M271, which is as far away from residential neighbours as possible. Extra screening has been provided by extending the office part of the building on this side and acoustic screening to the boundaries will also mitigate the noise impact.

- 6.8.2 The applicant has submitted a management scheme covering the night time operations which will limit the number of vehicles operating on site at any one time and seeking to control where those vehicles will manoeuvre and park. Electrical 'hook-up' facilities will be made available to limit the need for refrigerated lorries to keep engines running. The applicants state that the 'goods in' function of the building is not normally operational between the hours of 23.00 and 06.00. A condition can be imposed to secure operation of this scheme. A condition can also be used to control future lighting of the site to mitigate this impact.

## **7.0 Summary**

- 7.1 This is a substantial new building which will significantly change the character of this part of the city. The land is identified in both this Council's Local Plan, and that of Test Valley, for development. The economic development and employment opportunities weigh in support of the proposal. On balance, and subject to safeguards in the Section 106 agreement and conditions, the issues of transport, design and environmental issues have been satisfactorily addressed.

## **8.0 Conclusion**

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions. In view of the significant infrastructure works required, including the diversion of services and road closure procedures, the applicant has requested a five year consent which is considered to be reasonable in the circumstances.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(d), 4(b), 4(g), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a) and 9(b).

### **RP2 for 15/01/2013 PROW Panel**

### **PLANNING CONDITIONS**

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

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

Reason:

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

#### **02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]**

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by

the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

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

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

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

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

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

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

Reason:

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

### **04. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

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

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

**05. APPROVAL CONDITION - Archaeological work programme [Performance Condition]**

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

Reason: To ensure that the archaeological investigation is completed.

**06. APPROVAL CONDITION- Validation of Land remediation [Pre- Occupation Condition]**

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

Reason:

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

**07. 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.

**08. 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.

**09. 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.

#### **10. 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.

#### **11. 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.

#### **12. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]**

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

Reason:

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

#### **13. APPROVAL CONDITION - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.



Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

**14. APPROVAL CONDITION - Overhanging tree loss [Performance Condition]**

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

**15. APPROVAL CONDITION - No storage under tree canopy [Performance Condition]**

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

Reason:

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

**16. APPROVAL CONDITION - Restricted Use (Performance Condition)**

The premises shall be used only for purposes in Use Class B8 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to Class B8 of any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The proposed building is a substantial new development which is considered to be acceptable in the circumstances of the case. The Local Planning Authority would wish to consider any alternative use on its merits in the interest of the amenities of the area.

**17. APPROVAL CONDITION - Restriction on use (Performance Condition)**

The maximum floorspace of the development hereby approved shall be 42,820 square metres gross and the development shall not be sub-divided or occupied by more than one business at any one time.

Reason

To restrict the development to that set out in the application in the interests of the amenities of the area and local transport conditions.

**18. APPROVAL CONDITION - Night time noise control (Performance Condition)**

The development hereby approved shall be carried out in full accordance with the application document 'Revised Night Time Noise Management Scheme' dated December 2012 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the amenities of the area.

**19. APPROVAL CONDITION - Fixed Plant and Machinery (Performance Condition)**

Noise from all fixed plant and machinery shall be controlled in accordance with the proposals provided in section 4.3.5 of the Mott MacDonald December 2011 noise assessment report, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

**20. APPROVAL CONDITION - Acoustic barriers (Pre-Occupation Condition)**

The position and height of acoustic barriers (comprising bunds and fencing) along the site boundary shall be in accordance with the approved plans. Details of the construction of the acoustic screening (including fencing design, materials and surface density) shall be verified for effectiveness by a competent acoustician and approved by the Local Planning Authority both prior to their construction and prior to commencement of use, and thereafter those barriers shall be maintained in a good state of repair so as to remain fully effective.

Reason

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

**21. APPROVAL CONDITION - Lighting Scheme (Pre-Occupation Condition)**

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

Reason

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

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

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

Reason:

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

**23. APPROVAL CONDITION - Sustainability statement implementation (Pre-Occupation Condition)**

Prior to the first occupation of the development hereby granted consent, the approved sustainability measures (including CO2 saving measures as detailed in the application documents) 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 Council's Core Strategy (January 2010).

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

The whole of the car parking, cycle storage and servicing facilities for the use hereby approved shown on the approved plans shall be laid out and made available before the retail use is first open to the public 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.

**25. APPROVAL CONDITION - Cycle and changing facilities (Pre-Occupation Condition)**

The use hereby approved shall not be first occupied until cycle storage, changing, washing and shower facilities for members of staff have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.

Reason

To encourage cycling as an alternative sustainable means of transport in accordance with Council policy.

**26. APPROVAL CONDITION - Access to Lower Brownhill Road (Performance Condition)**

The vehicular access to Lower Brownhill Road as shown on the approved plans shall only be used in the event of an emergency unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of neighbouring occupiers.

**27. APPROVAL CONDITION - Highway improvements (Pre-Occupation Condition).**

The development hereby approved shall not be first occupied until the junction improvements to Junction 1 of the M271 detailed in drawing reference Project 27405, Figure 1, Revision P1 and Junction 3 of the M27 have been completed.

Reason

As required by the Highways Agency and to ensure the safety of users on the M271 and the M27 and enable them to continue to be an effective part of the Strategic Road Network in accordance with Section 10 of the Highways Act.

**28. APPROVAL CONDITION - Highway works (Pre-Commencement Condition)**

No development shall take place until such time as the details of the site access onto Brownhill Way as shown in principle on drawing 275045-ITD-ITW-105 REV P1 (Appendix A to the Transport Statement) have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until such time as the access has been constructed in accordance with the approved details.

Reason:

In the interests of highway safety.

### **29. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]**

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

### **30. APPROVAL CONDITION - Right of way footpath (Pre-Commencement Condition)**

Notwithstanding what is shown on the approved drawings, the detailed design of the proposed new right of way shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: the alignment at each end of the route; the boundary treatment; lighting; surface treatment and suitable barriers to preclude use by motorcycles and vehicles. The works shall subsequently be carried out in accordance with these details.

Response

To ensure suitable treatment of this important public route and in the interests of safety and security.

### **31. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]**

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

REASON

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

### **32. APPROVAL CONDITION - Flood risk works (Performance Condition)**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2011, by Mott MacDonald and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 10.3m above Ordnance Datum (AOD) as stated in section 5 of the FRA.
2. Limiting the surface water run-off generated by the 1 in 100 critical storm event 20% climate change allowance, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as stated in section 5 of the FRA.
3. Surface water from the site is to be attenuated and discharged at a rate no greater than 9 litres per second per hectare as stated in 3.4.3 of the FRA.
4. Confirmation of the opening up of any culverts across the site.

Reasons

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water

from the site.

3. To ensure that there will be no increase in flood risk off site.
4. To reduce the risk of flooding from blockages to the existing culverts and to create an ecological benefit to the site.

### **33. APPROVAL CONDITION - Landscape Maintenance (Pre-Commencement Condition)**

No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area.

### **34. APPROVAL CONDITION - Ecology mitigation (Performance Condition)**

The measures set out in Section 3.3 of the ECOSA, August 2009 Addendum to the Phase 1 and 2 Ecological Survey shall be implemented in full. Thereafter, the mitigation measures shall be permanently retained.

Reason

In the interests of biodiversity and in accordance with Policy CS22 of the Council's Core Strategy (January 2010).

### **35. APPROVAL CONDITION - Ecology (Performance Condition)**

The development shall proceed in accordance with the measures set out in Section 3.4 of the Phase 1 & 2 Ecological Survey Report Addendum (ECOSA, October 2012).

Reason

In the interests of biodiversity and protecting habitats in accordance with Policy CS22 of the Council's Core Strategy (January 2010).

### **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)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS10	A Healthy City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

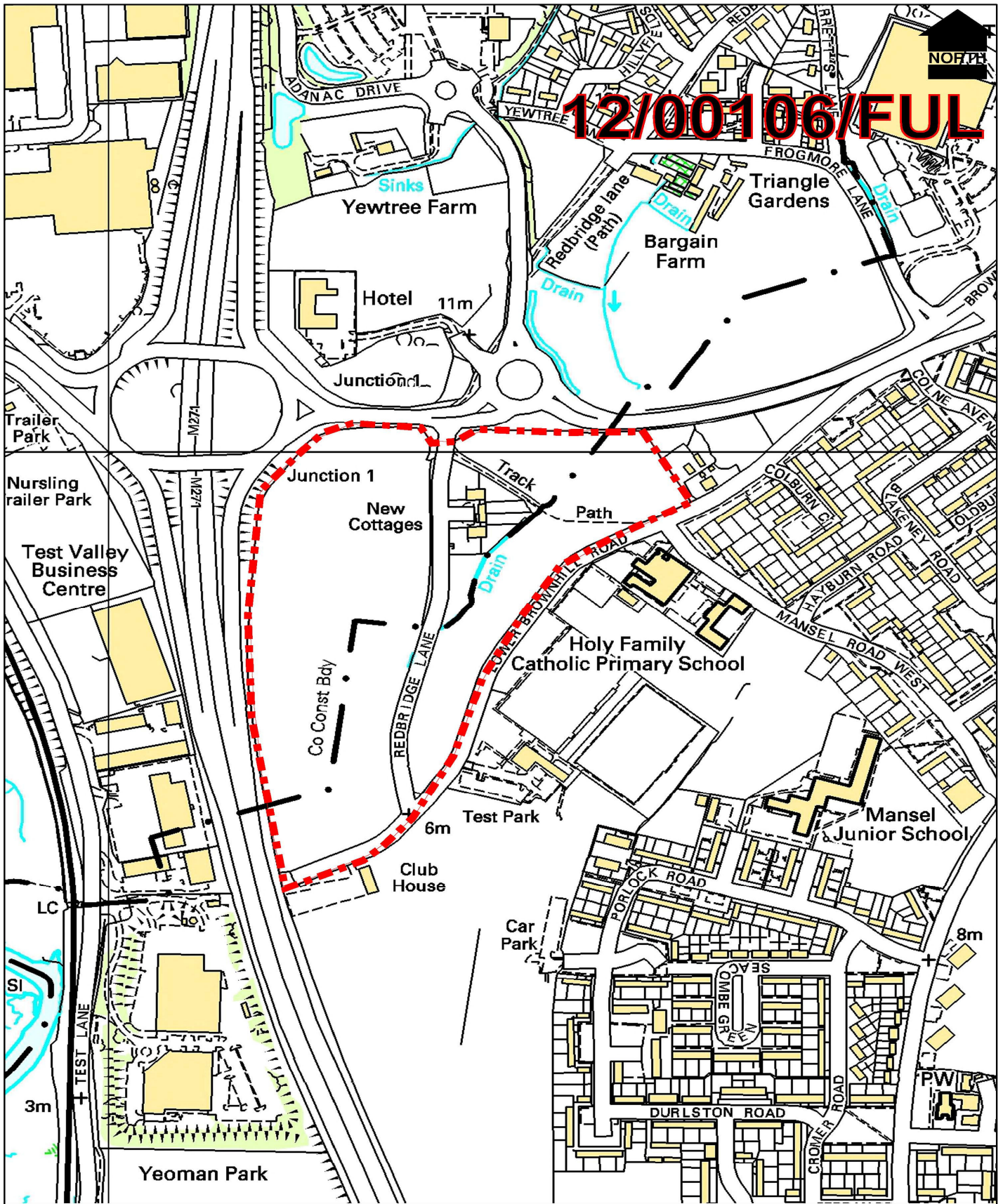
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE4	Protected Species
NE6	Protection / Improvement of Character
HE6	Archaeological Remains
TI2	Vehicular Access
MSA20	Combined Heat and Power Generation at Redbridge Lane

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards SPG (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:5000

Date :04 January 2013

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# Agenda Item 6

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 15 January 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 7 Greenbank Crescent			
<b>Proposed development:</b> Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale). Resubmission of planning reference 12/01038/OUT			
<b>Application number</b>	12/01577/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	12.12.12	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr B Harris Cllr L Harris Cllr Hannides

<b>Applicant:</b> Mr M Holmes	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History

## Reason for granting Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. The proposal is judged to meet the previous reasons for refusal and other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.01.13 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Furthermore, the proposal would assist in meeting housing need and increase family housing provision. 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, Outline Planning Permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

'Saved' Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS22 and the Council's current adopted Supplementary Planning

Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The application site comprises a detached, two-storey dwelling located within a spacious plot on the corner of Greenbank Crescent. The dwelling is currently vacant and the plot itself is substantially overgrown with trees and vegetation. In particular, there is a large leylandii hedge to the site boundaries which means the dwelling itself is barely visible from the street scene. There is a Tree Preservation Order relating to a Silver Birch Tree on the corner of the site.
- 1.2 The site slopes upwards from west to east. The surrounding area is residential in nature and typically comprises extended two-storey, detached houses with a spacious, suburban character. The architectural style of properties vary, although the majority of properties within this part of the street were constructed after 1975.

#### **2. Proposal**

- 2.1 The application seeks outline planning permission for the demolition of the existing dwelling and the construction of three, four bedroom detached houses. Landscaping and appearance are reserved from consideration (although indicative information is submitted) and therefore the access, layout and scale of the proposed development can be considered in detail. The application follows the refusal of a planning application seeking planning permission for 3 detached houses, a refusal of a scheme of 4 houses and the refusal of the conversion of the existing property into a House in Multiple Occupation (please refer to Planning History in **Appendix 2**). The current application seeks to overcome the previous reasons for refusal relating to the previous planning applications for the redevelopment of the site.
- 2.2 The main difference between the current scheme and the previously refused application for three houses, is that the amenity space provision to serve the dwellings has increased.
- 2.3 Each dwelling would be two-storey in height with further accommodation within the roof space served by roof lights. Although appearance is a matter reserved from consideration, the indicative elevations provided show the properties to have a pitched roof appearance with entrance canopies to the frontages. The elevations would be finished using a facing brick with elements of render.
- 2.4 Purpose built cycle and refuse stores would be provided in rear gardens. Each dwelling would be served by two off-road car parking spaces.

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

- 3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of Low Accessibility for Public Transport (Public Transport Accessibility Level Band 1).
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

- 4.1 As stated above, this application follows a refusal of a scheme for 3 detached houses on the site in September of this year (reference 12/01038/OUT), a refusal of a scheme of 4, semi-detached houses in November this year (12/01455/OUT) and a refusal of an application to convert the property into a 9-bedroom HMO (12/01435/FUL) 3.12.2012. The previous reason for refusals together with the other relevant planning history of the site are included in **Appendix 2**. As part of the planning considerations it is necessary to assess whether or not the previous reason for refusal has been addressed. In relation to the scheme for 3 houses, the reason for refusal states:-

##### REFUSAL REASON – Design & Character

The proposed redevelopment of 7 Greenbank Crescent with three dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics (including a proposed back garden that does not achieve either the 10m depth set out in the Council's standards or that of its neighbours) and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved

Residential Design Guide SPD (September 2006) (namely, sections 2.1, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

4.2 In relation to the scheme for 4 houses, the reason for refusal states:-

#### REFUSAL REASON - Design & Character

The proposed redevelopment of 7 Greenbank Crescent with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

### 5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (15.11.12). At the time of writing the report **25** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The plot has been subdivided previously meaning the plot is already much smaller than is typical in the area, adding more dwellings would therefore result in the plot appearing over-developed and the spacing between the proposed dwellings is significantly less than is typical within the area.***

#### 5.3 Response

More than 50% of the site would be soft landscaped and the layout retains a generous set-back to the corner of the site. The dwellings would reflect the series of plots and properties which lie to the opposite corner of the street, to the north-west of the site. The issue of character and context is discussed further below.

5.4 ***The proposal is inconsistent with other decisions to refuse planning permission in the area and the previous decision on the application site.***

#### 5.5 Response

The current proposal is assessed below in terms of the previous reason for refusing planning permission for three detached dwellings on this site. Whilst previous decisions relating to character are material, the current application needs

to be assessed in terms of the constraints of this site in particular and the impacts of this specific proposal.

5.6 ***The scheme is designed with insufficient car parking and would therefore lead to overspill car parking on the surrounding streets.***

5.7 **Response**

The proposed dwellings would each be served by two off-road car parking spaces. This complies with the Council's adopted maximum car parking standards of 3 spaces per 4-bedroom dwelling. As such, there is no reason to believe that the proposal would result in a significant and harmful increase in on-street car parking. Despite refusing the scheme for 3 dwellings, the Local Planning Authority previously found this level of car parking (i.e. 2 spaces per dwelling) to be acceptable.

5.8 ***The loss of shrubs and vegetation on the site would have a harmful impact on the character of the area.***

5.9 **Response**

Landscaping is a matter reserved for consideration in this outline application however, the layout will retain the protected tree on the site. A tree report has been submitted with the application that demonstrates that the remainder of the trees are not worthy of long-term retention. The Council's Tree Officer agrees with this conclusion. There is a history of complaints relating to the leylandii hedge to the boundary of the site and so there is no objection to its removal in principle subject to securing replacement planting at the reserved matters stage. There is sufficient space on site to secure adequate landscaping to provide a verdant setting to the proposed buildings.

5.10 ***If approved, the application would set an unwelcome precedent which would erode the character of the area.***

5.11 **Response**

Each planning application should be assessed on its individual planning merits.

5.12 ***The proposed development is 'garden grab' and should be resisted.***

5.13 **Response**

The proposal would result in the loss of approximately 53sq.m of garden when compared with the existing development on site. This is discussed in more detail in relation to the character of the area, below.

5.14 ***The proposed density is excessive.***

5.15 **Response**

The proposed residential density of 40 dwellings per hectare accords with the range set out in the Core Strategy. The proposed density would therefore make good use of the site to assist the Council in meeting its housing requirements.

5.16 ***The increase in traffic movements on the corner would create a danger to users of the adjoining highway, particularly having regard to the location of the site on a blind bend.***

5.17 **Response**

The Council's Highway's Team have raised no objection to the proposal in this respect and consider that subject to securing adequate sight-lines by condition, the proposal will be acceptable in highway safety terms.

**Consultation Responses**

5.18 **SCC Highways** - No objection.

5.19 **SCC Sustainability Team** – No objection subject to conditions to secure the required sustainability measures

5.20 **SCC Ecology** – No objection subject to securing a landscaping scheme which incorporates native and ornamental species with recognised wildlife value.

5.21 **SCC Trees** - No objection subject to conditions.

5.22 **SCC Environmental Health** - No objection subject to conditions to minimise disruption during the construction process.

5.23 **Southern Water** – No objection. Suggest a note to applicant on the decision notice to make the developer aware of the requirement to connect to the public sewerage system.

**6. Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of the planning history of the site, particularly the reasons for refusing the development of three and two dwellings and the following key issues:

- i. The principle of development;
- ii. Design, density & impact on established character;
- iii. Impact on residential amenity;
- iv. Quality of residential environment and,
- v. Highways and parking.

6.2 **Principle of Development**

6.2.1 The redevelopment of the existing dwelling and hardstanding on site is in accordance with saved Local Plan Policy H2, which requires the efficient use of previously developed land to provide housing. Garden land does not constitute previously developed land and the priority for development should be previously developed sites. As such, the use of garden land for development needs to be assessed in terms of the proposal's impact on the character of the area and the good use of land to deliver housing.

6.2.2 The proposed residential density of 40 dwellings per hectare accords with density range of 35 to 50 dwellings per hectare set out in by policy CS4 of the Core Strategy. Furthermore, the provision of genuine family housing is welcome and will contribute towards the Council's housing requirements.

6.3 **Design, density and impact on established character**

6.3.1 The reason for refusing the previous application for three houses related to the

impact that the proposal would have on the character of the area, particularly in terms of the insufficient back garden sizes, density and the building to plot relationships which appeared denser in relation to the character of the area. The current application seeks to address the previous reason for refusal. The amendments to the scheme have provided an increase in soft landscaping on the site and the rear garden sizes are now fully compliant with the standards set out in the Residential Design Guide. Whilst it is acknowledged that the surrounding area does contain properties of a lesser density than proposed, the proposal would be viewed in the context of the existing development to the north-west of the site, on the opposite side of the street. These properties do have narrower plot and building widths than others within the area. The proposed houses would follow this tighter grain of development and when viewed in this context, it is considered that they would not appear out of character.

- 6.3.2 The significant set back of the corner dwelling from the boundary with the road would provide an important gap to the corner which would help to create a sense of spaciousness when viewed from the street scene. The set backs of the dwellings from the other street frontage also reflects the set backs of other properties within the surrounding area. The gaps between the properties vary between 1.4 and 1.9 metres and, as a similar degree of separation can be found between 30 Greenbank Crescent opposite and its neighbours, this is not considered to be unacceptable.
- 6.3.3 Whilst landscaping is a reserved matter, mature and dense replacement planting to this corner would be sought. A condition is also suggested to secure revised details of boundary treatment to ensure that the street frontage is not dominated by 1.8 metre high close boarded fencing. As stated above, the layout would enable the retention of the protected silver birch tree on site. There is no objection to the removal of the leylandii hedge. The frontage car parking can also be broken up with appreciable areas of soft landscaping.
- 6.3.4 Appearance is a matter reserved from consideration in this application, although indicative elevation plans have been submitted which show a more contemporary design approach than previously refused, which is sympathetic with the simple design of properties which is typical of the surrounding area. Whilst three levels of accommodation would be achieved, the third level would be within the roof space served by roof lights. This would ensure that the properties would have a two-storey appearance within the street. The proposal is therefore considered to be acceptable in character and design terms.

#### 6.4 Impact on Residential Amenity

- 6.4.1 The proposed rear-facing accommodation is set back ten metres from the rear boundary of the site, in line with the Residential Design Guide Standard. As such, it is considered that the proposal would not result in harmful overlooking of the neighbouring properties. Since the dwellings would lie north of those on Ridgemount Avenue and 9 Greenbank Crescent, no harmful overshadowing would occur to these properties. The spatial separation, and change in levels would also ensure that the proposed dwellings would not have a harmful impact on the residential amenity of either 9 or 5 Greenbank Crescent. The relationship with neighbouring properties is therefore, considered to be compliant and acceptable.

## 6.5 Quality of Residential Environment

6.5.1 Each dwelling would be served by genuine useable, private rear gardens which ranges from 92sq.m to 169 sq.m in area and therefore exceed the garden size standards set out in the Residential Design Guide. Since these spaces are south-facing, it is also considered that good quality space would be provided for future residents. Outlook from habitable room windows would also be acceptable. Each dwelling would be served by purpose built cycle and refuse storage. The quality of the residential environment proposed is therefore considered to be acceptable.

## 6.6 Highways and Parking

6.6.1 The maximum number of car parking spaces permitted by the Parking Standards Supplementary Planning Document is 3 spaces per dwelling. As such, the provision of 2 spaces per dwelling accords with this and is therefore considered to be acceptable. The Council's Highways Team have raised no objection to the proposed access or car parking arrangements, and the proposed parking ratio was accepted when the previous scheme was refused.

## 7. Summary

7.1 The proposal makes good use of the site to provide additional housing and whilst the development would have a denser character than some existing development in the vicinity of the site, it does respond to other spatial characteristics of properties within the area. On balance, it is considered that the benefits of making efficient use of the site to provide good quality family housing justifies the development of the site. With the increased amenity space and landscaping, the previous reason for refusal is considered to have been met.

## 8. 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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**JT for 15.01.13 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure is approved subject to the following:



- (i) Written approval of the details of the Appearance and architectural design specifying the external materials to be used and the Landscaping of the site specifying both the hard, soft treatments and means of enclosures shall be obtained from the Local Planning Authority prior to any works taking place on the site:
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission; and,
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 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 - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

#### **04. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

#### **05. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised 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).

#### **06. APPROVAL CONDITION - Cycle and Refuse Storage [pre-occupation condition]**

Prior to dwelling C first coming into occupation, revised details for cycle and refuse storage shall be submitted to the Local Planning Authority in writing and the dwelling shall not be occupied until the storage is provided in accordance with the revised details. The cycle and refuse storage of dwellings A and B shall be provided in accordance with the plans hereby approved before the respective dwellings first come into occupation. All stores shall thereafter be retained as approved.

Reason:

To ensure a satisfactory form of development

#### **07. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

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

Reason:

In the interest of health and safety, protecting the amenity of local land uses, neighbouring

residents, the character of the area and highway safety.

**08. APPROVAL CONDITION - Amenity Space Access [performance condition]**

The garden areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the development .

Reason:

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

**09. APPROVAL CONDITION – Parking and Access [pre-occupation condition]**

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

**10. APPROVAL CONDITION – No other windows [performance condition]**

No other windows shall be located in the side elevation, above ground floor level of the dwelling hereby approved unless they are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of residential amenity

**11. APPROVAL CONDITION – Removal of permitted development [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by A (extensions), B (roof alterations), C (other roof alterations), E (outbuildings), F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

**12. APPROVAL CONDITION – Roof light details [performance condition]**

The cill level of the roof lights, when measured internally shall be no less than 1.7metres from the floor level of the rooms that they serve.

Reason:

In the interests of the privacy of the neighbouring residential occupiers

**13. 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.

#### **14. 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.

#### **Note to Applicant**

Connection to Public Sewer: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards Supplementary Planning Document

Other Relevant Guidance

The National Planning Policy Framework 2012

**Relevant Planning History**

1150/E Erection of two houses	Refused 14.04.1959
1161/56 Erection of house and garage	Permitted 15.09.1959
1535/W2 Erection of detached house on land adjacent to property	Refused 31.01.1978
1569/W30 Erection of single storey extension and garage at rear	Conditionally Approved 22.04.1980
06/00023/FUL Construction of detached dwelling with detached garage	Conditionally Approved 06.03.2006
06/00735/FUL Retention of gates and canopy structure at existing access in the western boundary.	Conditionally Approved 07.11.2006
12/01038/OUT Erection of 3x 4-bed detached houses with associated parking and cycle/refuse storage (Outline application seeking approval for access, appearance, layout and scale)	Refused 21.09.12

**REFUSAL REASON – Design & Character**

The proposed redevelopment of 7 Greenbank Crescent with three dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics (including a proposed back garden that does not achieve either the 10m depth set out in the Council's standards or that of its neighbours) and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

12/01435/FUL Change of use from C3 dwelling house to 9 bed sui generis house of multiple occupation	Refused 3.12.2012
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(HMO) with associated parking

Refusal Reason - Unacceptable Intensification of use

The change of use of the property from a C3 family dwelling to a large HMO (Sui Generis use), taking into account the context and character of the area, will result in an intensification in the use of the property, which by reason of the additional general activity, refuse generation, noise and disturbance would be to the detriment of the amenity of nearby residents, and is out of character with the context of the local neighbourhood. Furthermore, the provision of 1 parking space (which is less than the maximum standard set out in the Council's adopted Houses in Multiple Occupation Supplementary Planning Document) would be inadequate to help meet the travel demands of occupiers of the new development. Having regard to the site's low accessibility to public transport, the proposal is likely to result in overspill car parking on the surrounding streets which would appear out of keeping with the suburban nature of the surrounding area and result in noise and disturbance. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006; and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and as supported by section 6.7 of the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

12/01455/OUT

Refused 28.11.12

Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale). Resubmission of planning reference 12/01038/OUT

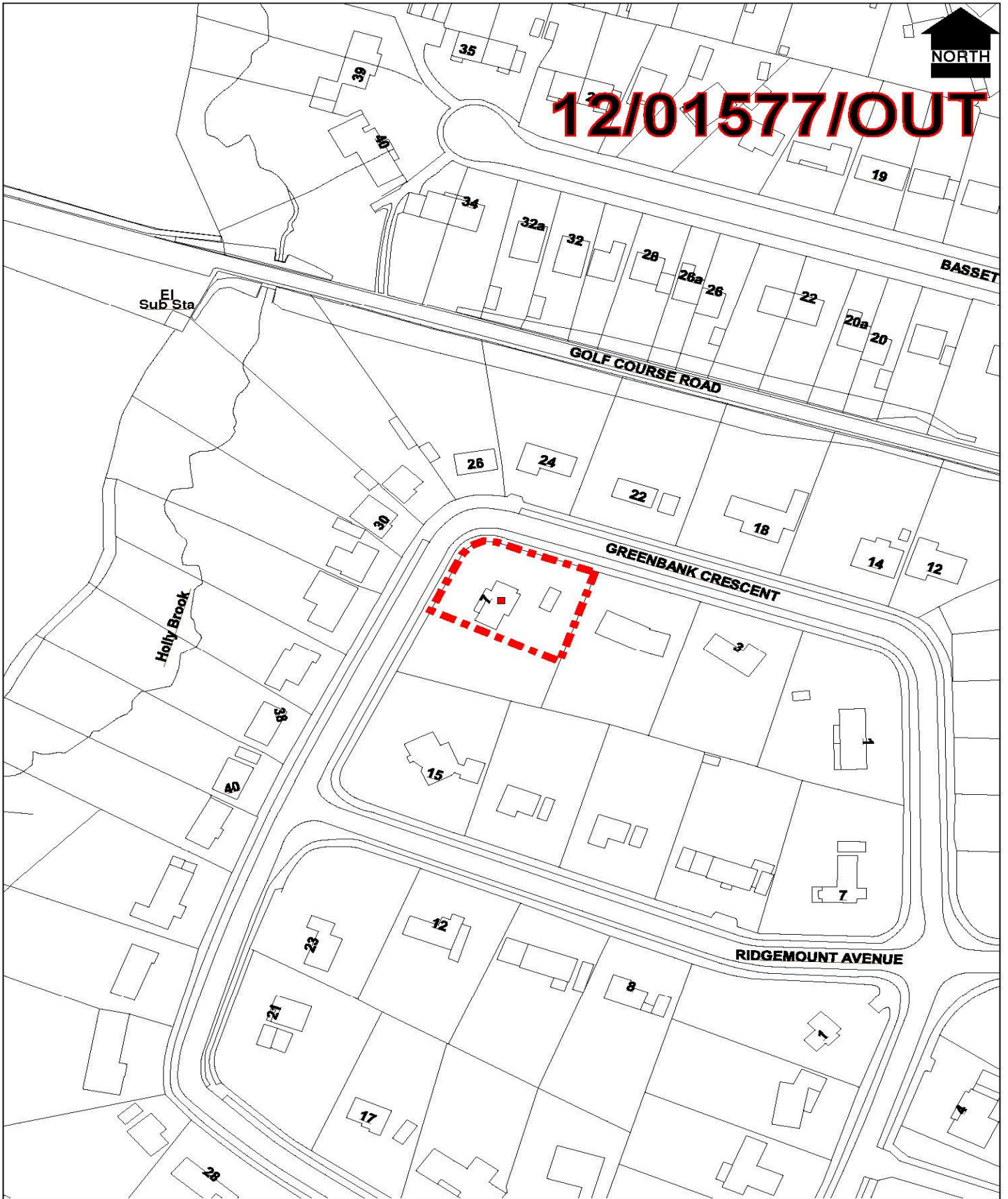
REFUSAL REASON - Design & Character

The proposed redevelopment of 7 Greenbank Crescent with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

12/01726/OUT

Pending

Redevelopment of the site to provide 2 x 5 bedroom houses with associated parking, cycle and refuse storage. Outline application with access, layout and scale for consideration.



Scale : 1:1250

Date :04 January 2013

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# Agenda Item 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 15 January 2013  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 7 Greenbank Crescent			
<b>Proposed development:</b> Redevelopment of the site to provide 2 x 5 bedroom houses with associated parking, cycle and refuse storage. Outline application with access, layout and scale for consideration.			
<b>Application number</b>	12/01726/OUT	<b>Application type</b>	OUT
<b>Case officer</b>	Jenna Turner	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	23.01.13	<b>Ward</b>	Bassett
<b>Reason for Panel Referral:</b>	Referred by the Planning & Development Manager due to wider public interest	<b>Ward Councillors</b>	Cllr B Harris Cllr L Harris Cllr Hannides

<b>Applicant:</b> Mr M Holmes	<b>Agent:</b> Concept Design & Planning
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## Reason for granting Outline Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations, including the recent site history and such as those listed in the report to the Planning and Rights of Way Panel on the 15.01.13 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Furthermore, the proposal would assist in meeting housing need and increase family housing provision. 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, Outline Planning Permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS22 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

<b>Appendix attached</b>			
1	Development Plan Policies	2.	Planning History

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The application site comprises a detached, two-storey dwelling located within a spacious plot on the corner of Greenbank Crescent. The dwelling is currently vacant and the plot itself is substantially overgrown with trees and vegetation. In particular, there is a large leylandii hedge to the site boundaries which means the dwelling itself is barely visible from the street scene. There is a Tree Preservation Order relating to a Silver Birch Tree on the corner of the site.
- 1.2 The site slopes upwards from west to east. The surrounding area is residential in nature and typically comprises extended two-storey, detached houses with a spacious, suburban character. The architectural style of properties vary, although the majority of properties within this part of the street were constructed after 1975.

#### 2.0 Proposal

- 2.1 The application seeks outline planning permission for the construction of two detached dwellings. Landscaping and appearance are matters reserved from consideration in this application, although indicative proposals have been submitted. The application follows the refusal of a planning application seeking planning permission for 3 detached houses, a refusal of a scheme of 4 houses and the refusal of the conversion of the existing property into a House in Multiple Occupation (refer to Planning History in **Appendix 2**). The current application seeks to overcome the previous reasons for refusal relating to the previous planning applications for the redevelopment of the site.
- 2.2 The dwellings incorporate 5 bedrooms, and three levels of accommodation are proposed, with the third level being within the roof space, served by roof lights and rear facing dormer windows.
- 2.3 Each dwelling would be served by private rear gardens which are no less than 10.3 metres deep and between 146 and 184 sq.m in area.
- 2.4 The dwelling on the corner would be served by a detached garage providing parking for two vehicles and the second dwelling would be served by a single integral garage and frontage car parking space.
- 2.5 The indicative plans show that the dwellings would have a pitched roof design and facing brick elevations with elements of tile hanging.

#### 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 National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has

reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.2 The site is not allocated for a particular use or development within the Development Plan but lies within an area of Low Accessibility for Public Transport (Public Transport Accessibility Level Band 1).
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

- 4.1 As stated above, this application follows a refusal of a scheme for 3 detached houses on the site in September of this year (reference 12/01038/OUT), a refusal of a scheme of 4, semi-detached houses in November this year (12/01455/OUT) and a refusal of an application to convert the property into a 9-bedroom HMO (12/01435/FUL) 3.12.2012. The previous reason for refusals together with the other relevant planning history of the site are included in **Appendix 2**. As part of the planning considerations it is necessary to assess whether or not the previous reason for refusal has been addressed. In relation to the scheme for 3 houses, the reason for refusal states:-

##### REFUSAL REASON – Design & Character

The proposed redevelopment of 7 Greenbank Crescent with three dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics (including a proposed back garden that does not achieve either the 10m depth set out in the Council's standards or that of its neighbours) and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

4.2 In relation to the scheme for 4 houses, the reason for refusal states:-

#### REFUSAL REASON - Design & Character

The proposed redevelopment of 7 Greenbank Crescent with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

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

5.1 Since the previous refusal, the applicants have met with the neighbours to discuss the site. 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 (06.12.12). At the time of writing the report 6 representations, including one from the local ward councillor have been received from surrounding residents. A verbal update of any additional representations will be provided at the panel meeting but the following is a summary of the points raised to date:

5.2 ***The plot has been subdivided previously meaning the plot is already much smaller than is typical in the area, adding more dwellings would therefore result in the plot appearing over-developed.***

#### 5.3 **Response**

The proposed development would enable approximately 60% of the site to be soft-landscaped. The amenity space provided to serve the dwellings significantly exceeds the standards set out within the Residential Design Guide Supplementary Planning Guidance.

5.4 ***The scheme is designed with insufficient car parking and would therefore lead to overspill car parking on the surrounding streets***

#### 5.5 **Response**

The proposed dwellings would each be served by two off-road car parking spaces. This complies with the Council's adopted maximum car parking standards of 3 spaces per 5-bedroom dwelling. As such, there is no reason to believe that

the proposal would result in a significant and harmful increase in on-street car parking. Despite refusing the scheme for 3 dwellings, the Local Planning Authority previously found this level of car parking (i.e. 2 spaces per dwelling) to be acceptable.

- 5.6 **SCC Highways** - No objection.
- 5.7 **SCC Sustainability Team** – No objection subject to conditions to secure the required sustainability measures.
- 5.8 **SCC Ecology** – No objection. To mitigate for the loss of garden vegetation a landscaping scheme is required which incorporates native and ornamental species with recognised wildlife value.
- 5.9 **SCC Environmental Health** - No objection subject to conditions to minimise disruption during the construction process.
- 5.10 **SCC Contaminated Land** - No objection. Suggest conditions to investigate land contamination and to secure any necessary remediation.

## **6. Planning Consideration Key Issues**

- 6.1 The application needs to be assessed in terms of the planning history of the site and the following key issues:
  - i. The principle of development;
  - ii. Design, density & impact on established character;
  - iii. Impact on residential amenity;
  - iv. Quality of residential environment and,
  - v. Highways and parking.

### **6.2 Principle of Development**

- 6.2.1 The redevelopment of the existing dwelling and hardstanding on site is in accordance with saved Local Plan Policy H2 which requires the efficient use of previously developed land to provide housing. Garden land does not constitute previously developed land and the priority for development should be previously developed sites. As such, the use of garden land for development needs to be assessed in terms of the proposal's impact on the character of the area and the good use of land to deliver housing. The provision of genuine family housing is welcome and will contribute towards the Council's housing requirements.

### **6.3 Design, Density & Impact on Established Character**

- 6.3.1 The proposed residential density is 26 dwellings per hectare and Policy CS5 of the Core Strategy sets out that residential density within areas of low accessibility should generally accord with the range of 35 to 50 dwellings per hectare and that the density of a development should be assessed in terms of the character of the area, the open space, accessibility and the efficient use of land. The residential density is slightly less than the minimum amount required by the Local Plan, however, the proposal would still represent a more efficient use of the site when compared with the existing situation and is therefore considered to be acceptable.

6.3.2 The reason for refusing the previous application for three houses related to the impact that the proposal would have on the character of the area, particularly in terms of the insufficient back garden sizes and the building to plot relationships, which appeared denser in relation to the character of the area. The current application seeks to address the previous reason for refusal and proposes 70sq.m increase in soft landscaping when compared with the previous scheme for 4 houses and 120 sq.m more soft landscaping when compared with the previous scheme for 3 houses. The application proposes two larger dwellings within more spacious plots than previously proposed and the level of amenity space proposed at 147sq.m and 182 sq.m is significantly greater than the 90sq.m that the Residential Design Guide requires for detached properties. This provides a greater amount of space around the buildings and reflects the lower density properties which can be found within the surrounding area.

6.3.3 Whilst landscaping is a matter reserved from consideration, there is sufficient space on site to incorporate a good level of soft landscaping which would help to soften and provide a verdant setting to the buildings. The layout also enables the retention of the protected birch tree on the site. There is also an opportunity to improve upon the current landscape quality of the site. The provision of a close boarded fence to the site's public boundary can be changed at the reserved matters stage.

#### 6.4 Impact on Residential Amenity

6.4.1 The proposed rear-facing accommodation is set back more than ten metres from the rear boundary of the site, in line with the Residential Design Guide Standard. As such, it is considered that the proposal would not result in harmful overlooking of the neighbouring properties. Since the dwellings would lie north of those on Ridgemount Avenue and 9 Greenbank Crescent, no harmful overshadowing would occur to these properties. The spatial separation, and change in levels would also ensure that the proposed dwellings would not have a harmful impact on the residential amenity of either 9 or 5 Greenbank Crescent. The relationship with neighbouring properties is, therefore, considered to be acceptable.

#### 6.5 Quality of Residential Environment

6.5.1 Each dwelling would be served by genuine useable, private rear gardens which would exceed the garden size standards set out in the Residential Design Guide. Since these spaces are south-facing, it is also considered that good quality space would be provided for future residents. Outlook from habitable room windows would also be acceptable. Each dwelling would be served by purpose built cycle and refuse storage.

#### 6.6 Highways and Parking

6.6.1 The maximum number of car parking spaces permitted by the Parking Standards Supplementary Planning Document is 3 spaces per dwelling. As such, the provision of 2 spaces per dwelling accords with this and is therefore considered to be acceptable. The Council's Highways Team have raised no objection to the proposed access or car parking arrangements, and the proposed parking ratio was accepted when the previous scheme was refused.

## **7. Summary**

7.1 The proposal makes good use of the site to provide additional housing and whilst the development would have a denser character than some existing development in the vicinity of the site, it does respond to other spatial characteristics of properties within the area. On balance, it is considered that the benefits of making efficient use of the site to provide good quality family housing justifies the development of the site. With the increased amenity space and landscaping and the reduction in density, the previous reason for refusal is considered to have been met.

## **8. 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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**JT for 15/01/13 PROW Panel**

## **PLANNING CONDITIONS**

### **01. APPROVAL CONDITION - Outline Permission Timing Condition**

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure is approved subject to the following:

- (i) Written approval of the details of the Appearance and architectural design specifying the external materials to be used and the Landscaping of the site specifying both the hard, soft treatments and means of enclosures shall be obtained from the Local Planning Authority prior to any works taking place on the site;
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission; and,
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

Reason:

To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 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 - Tree Retention and Safeguarding [Pre-Commencement Condition]**

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

### **04. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

### **05. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised 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).

**06. APPROVAL CONDITION - Cycle and Refuse Storage [pre-occupation condition]**

Prior to dwelling C first coming into occupation, revised details for cycle and refuse storage shall be submitted to the Local Planning Authority in writing and the dwelling shall not be occupied until the storage is provided in accordance with the revised details. The cycle and refuse storage of dwellings A and B shall be provided in accordance with the plans hereby approved before the respective dwellings first come into occupation. All stores shall thereafter be retained as approved.

Reason:

To ensure a satisfactory form of development

**07. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

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

Reason:

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

**08. APPROVAL CONDITION - Amenity Space Access [performance condition]**

The garden areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the development .

Reason:

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

**09. APPROVAL CONDITION – Parking and Access [pre-occupation condition]**

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking and integral garages shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development

**10. APPROVAL CONDITION – No other windows [performance condition]**

No other windows shall be located in the side elevation, above ground floor level of the dwelling hereby approved unless they are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of residential amenity

**11. APPROVAL CONDITION – Removal of permitted development [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by A (extensions), B (roof alterations), C (other roof alterations), E (outbuildings), F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

**12. APPROVAL CONDITION – Roof lights details [performance condition]**

The cill level of the roof lights, when measured internally shall be no less than 1.7metres from the floor level of the rooms that they serve.

Reason:

In the interests of the privacy of the neighbouring residential occupiers

**13. 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.

**14. 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.

## Note to Applicant

### 1. Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE4	Protected Species
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards Supplementary Planning Document

Other Relevant Guidance

The National Planning Policy Framework 2012

**Relevant Planning History**

1150/E Erection of two houses	Refused 14.04.1959
1161/56 Erection of house and garage	Permitted 15.09.1959
1535/W2 Erection of detached house on land adjacent to property	Refused 31.01.1978
1569/W30 Erection of single storey extension and garage at rear	Conditionally Approved 22.04.1980
06/00023/FUL Construction of detached dwelling with detached garage	Conditionally Approved 06.03.2006
06/00735/FUL Retention of gates and canopy structure at existing access in the western boundary.	Conditionally Approved 07.11.2006
12/01038/OUT Erection of 3x 4-bed detached houses with associated parking and cycle/refuse storage (Outline application seeking approval for access, appearance, layout and scale)	Refused 21.09.12

**REFUSAL REASON – Design & Character**

The proposed redevelopment of 7 Greenbank Crescent with three dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics (including a proposed back garden that does not achieve either the 10m depth set out in the Council's standards or that of its neighbours) and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 2.1, 2.3.14, 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

12/01435/FUL Change of use from C3 dwelling house to 9 bed sui generis house of multiple occupation (HMO) with associated parking	Refused 3.12.2012
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## Refusal Reason - Unacceptable Intensification of use

The change of use of the property from a C3 family dwelling to a large HMO (Sui Generis use), taking into account the context and character of the area, will result in an intensification in the use of the property, which by reason of the additional general activity, refuse generation, noise and disturbance would be to the detriment of the amenity of nearby residents, and is out of character with the context of the local neighbourhood. Furthermore, the provision of 1 parking space (which is less than the maximum standard set out in the Council's adopted Houses in Multiple Occupation Supplementary Planning Document) would be inadequate to help meet the travel demands of occupiers of the new development. Having regard to the site's low accessibility to public transport, the proposal is likely to result in overspill car parking on the surrounding streets which would appear out of keeping with the suburban nature of the surrounding area and result in noise and disturbance. As such the proposal represents an over-intensive use of the site and is therefore contrary Policies SDP1 (i), SDP7 (v) and H4 (i) & (ii) of the City of Southampton Local Plan Review 2006; and CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and as supported by section 6.7 of the Council's adopted Houses in Multiple Occupation Supplementary Planning Document (March 2012).

12/01455/OUT

Refused 28.11.12

Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale). Resubmission of planning reference 12/01038/OUT

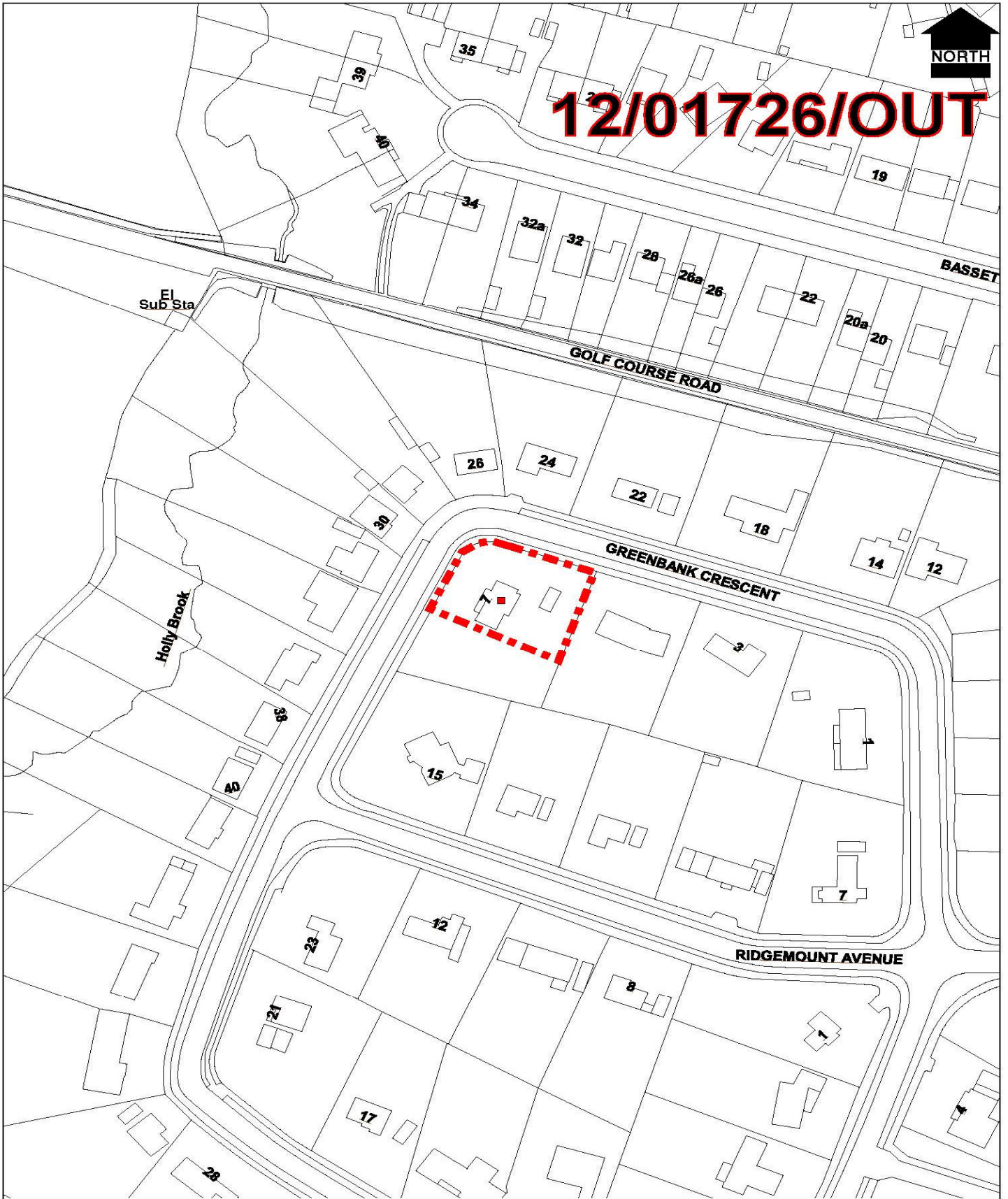
## REFUSAL REASON - Design & Character

The proposed redevelopment of 7 Greenbank Crescent with four dwellings, in the manner proposed, is considered to be a discordant form of development that would harm the established pattern of development that prevails within the area. The proposals, by reasons of their design, siting, spatial characteristics and building-to-plot relationships (between themselves and their neighbours) and their subsequent residential density would exhibit a characteristic that significantly differs from the prevailing pattern of development. Furthermore, the exclusion of garden land from the Government's definition of previously developed land (as contained within the National Planning Policy Framework (2011)), and the subsequent shift in emphasis for housing delivery, makes the principle of the proposed development on this mature garden harder to justify. Taken together, these factors are considered to be symptomatic of an overdevelopment of the site which would harm the character of the area. As such, the development would prove contrary to the provisions of policies CS4 and CS13 (1) (11) of the adopted Local Development Framework Core Strategy (January 2010) as supported by "saved" policies SDP7 and SDP9 (i) of the adopted City of Southampton Local Plan Review (March 2006) and the guidance as set out in the Council's approved Residential Design Guide SPD (September 2006) (namely, sections 3.1, 3.2, 3.7.7, 3.7.8, 3.8, 3.9, 3.10.2 and 3.11.3).

12/01577/OUT

Pending

Erection of 3 x 4-bed detached houses with associated parking and cycle/refuse storage (outline application seeking approval for access, layout and scale). Resubmission of planning reference 12/01038/OUT.



Scale : 1:1250

Date :04 January 2013

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# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 15 January 2013  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Heli Beds, 47-65 Bevois Valley Road SO14 0JS			
<b>Proposed development:</b> Redevelopment Of The Site By The Erection Of A Retail Convenience Store (379 Sqm Gross) Following Demolition Of Existing Building With Associated Car Parking Area.(Departure).			
<b>Application number</b>	12/01236/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andy Amery	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	09.10.2012	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

<b>Applicant:</b> Sainsbury's Supermarkets Ltd	<b>Agent:</b> Wyg Planning And Environment
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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## Reason for granting Permission

The development has been advertised as a Departure from the Local Plan given the site allocation for housing development. The existing retail use of the site has been taken into account as has the site's location in a mixed commercial and residential area and the constraints of the site including noise and air quality. Other material considerations, including the impact on nearby residential amenity from noise, lighting, traffic and associated activity together with the Councils demonstration of a five year housing supply have been considered and are not judged to have sufficient weight to justify a refusal of the application.

In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12,SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, REI8 and TI2 of the City of Southampton Local Plan Review (March 2006) and CS4, CS6, CS18, CS19, CS20, CS24, CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Planning History

## Recommendation in Full

1. 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 highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
  - iii. Submission of a Servicing Management Plan.
  - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - v. Scheme of works for the relocation and/or replacement of street lighting.
2. In the event that the legal agreement is not completed by 29 March 2013 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
  3. That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

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

- 1.1 The site is located mid-way along the Bevois Valley corridor in a mixed use area of commercial and residential units. The existing part two storey, part single storey buildings are currently vacant but until recently were operated by a furniture retailer 'Heli-beds'. The site is allocated in the Local Plan Review for Housing. Despite the existing retail use the site is allocated for residential development. The re-development of the site for retail purposes is therefore a departure from the local plan and the application has been advertised as such.
- 1.2 Immediately to the rear of the site are the gardens of residential properties in Ancasta Road and Earls Road.
- 1.3 On the opposite side of Bevois Valley Road are ground floor commercial units, some with residential accommodation above, within a defined local shopping centre.

## **2.0 Proposal**

- 2.1 The proposal seeks to demolish the existing part two storey part single storey 516sq m retail store served by 3 parking spaces and replace it with a smaller single storey 379sq m unit served by 18 parking spaces and a new service lay-by. A new vehicular access would be created from Bevois Valley Road.
- 2.2 The existing ground levels would be lowered by almost 0.5m to bring the site down to street level. This requires the removal of the existing low retaining wall fronting Bevois Valley and the re-siting of an existing street light column. A retaining wall would be built along the Ancasta Road frontage with tree planting between it and the new store. The existing footpath along Bevois Valley Road will

be resurfaced and re-aligned behind the new service lay-by.

- 2.3 The rear wall of the existing building forms the boundary with the adjoining house at 9 Ancasta Road. The removal of the existing structure will therefore open up the boundary of this residential property. A condition is suggested to ensure the safety and security of the occupiers is maintained.
- 2.4 An existing tree in the south-west corner of the site is to be retained.
- 2.5 The proposals are smaller in scale than the existing retail unit and access arrangements are improved compared to the existing layout.

### **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is allocated in the Local Plan Review for housing.
- 3.2 New commercial developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

### **4.0 Relevant Planning History**

- 4.1 Up to at least 2004 the site was operated by Southern Motorcycle Centre for whom the most recent applications relating to the site in 2002 and 2003 were submitted. The site operated more recently as a retail outlet (Helibeds) until 2012.
- 4.2 A more detailed history is set out in **Appendix 2** to this report.

### **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 85 adjoining and nearby landowners, placing a press advertisement (01.11.2012) and erecting a site notice (06.09.2012). At the time of writing the report **6** representations have been received from surrounding residents consisting of 5 objections and 1 of support.

The issues raised by local residents include noise from plant and equipment and servicing, light pollution, opening hours which are much longer than those imposed on previous occupiers of the site, position of car parking, security, structural stability and anti-social behaviour.

- 5.2 **SCC Highways** - No objections following on site meetings to discuss and agree technical details including the provision of the service lay-by, the relocation of the street light, the re-alignment of the footpath and the position of the new vehicular access.
- 5.3 **SCC Housing** – No comments received.
- 5.4 **SCC Sustainability Team** – No objections subject to the sustainability measures being introduced and conditions imposed.
- 5.5 **SCC Architect's Panel** – Supported design approach at pre-application stage.
- 5.6 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions re noise, lighting and others including need for demolition method statement.
- 5.7 **SCC Environmental Health (Food Safety)** – No comments.
- 5.8 **SCC Environmental Health (Contaminated Land)** - Given historic land uses including a 'Smithy' request conditions be imposed.
- 5.9 **SCC Policy** – The site is allocated for residential therefore this is a departure from the local plan. A mixed use scheme rather than purely retail would be preferable, but confirm that retail is supportable in policy terms.
- 5.10 **BAA** – No comments received.
- 5.11 **Southern Water** – No comments received.

## **6.0 Planning Consideration Key Issues**

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

### 6.2 Principle of Development

The site is allocated for residential development and therefore a purely retail scheme is a departure from the Local Plan. Consideration has been given to the existing authorised retail use of the site, the constraints of the site including noise and air quality that a residential scheme would have to address, the mixed use character of this section of the Bevois Valley including a number of retail and commercial units and the significant environmental and highway safety improvements being delivered as part of the proposal. In the absence of any residential scheme coming forward since its allocation for residential use and given the Council's demonstration of a 5 year housing supply it is not considered that the redevelopment of the site for retail purposes unduly prejudices the Council's housing supply or delivery strategy.

### 6.3 Design and Layout

The design and layout of the site and building represents a significant improvement in terms of quality, visual amenity and safety compared to the existing situation. The existing vacant building is becoming poorly maintained and

the condition of front boundary wall and poorly surfaced frontage detracts from the character of the street. The overgrown service yard and deteriorating outbuildings have become a target for fly-tipping and anti-social behaviour despite the presence of security gates. The proposed building is lower in height and smaller in footprint than the existing thereby reducing its impact on neighbours. The regrading of the levels improves both pedestrian and vehicular access to the site whilst the proposed re-surfacing will greatly improve this section of public realm. The new service lay-by will avoid obstruction and congestion along Bevois Valley Road.

### 6.3.1 Impact on Neighbours

5 objections have been received from 2 separate addresses in the immediate area. The landlord and occupants of the adjoining property in Ancasta Road have raised concerns about security and structural stability during demolition of the existing building which forms the actual boundary of the site. It is recognised that the demolition of this structure will open up the adjoining property and therefore a condition has been added to ensure this is secured at all times during the development process with an appropriate form of boundary treatment. Structural issues will be dealt with by the applicant by way of the Party Wall Act. The physical size of the proposed building will have less of an impact on the neighbours than the existing. The re-location of the site access from Ancasta Road to the southern end of Bevois Valley Road will also remove activity away from nearby house frontages. The introduction of car parking to the rear service yard will have a greater impact on rear gardens, but the area is fully enclosed and technical reports relating to lighting and noise associated with this area have demonstrated sufficiently to the EHO that no harm will be caused. Similarly the rooftop plant and equipment has been designed and enclosed so as to ensure neighbours will not be harmfully affected by any noise associated with it. The proposed opening hours of 0700 to 2300 are typical of stores of this size in mixed use areas. Whilst these are longer than approved on earlier operators of the site it is not considered that harm will be caused to immediate neighbours as a result of reasonable customer behaviour and activity. The boundaries of the car park where they back onto rear gardens need to be robust and a condition has been imposed to secure this. Lighting within the rear car park also needs to be carefully designed and put on restrictors so that they are not left on whilst the store is closed to customers. On balance, whilst there will be elements of the scheme which reduced the impact on neighbours and other elements which introduce additional activity and potential disturbance, conditions can be imposed to address and mitigate any impact on neighbours.

### 6.3.2 Highway Safety

The access arrangements, the new lay-by and the re-surfacing of the public realm all represent significant improvements to the existing arrangements. The level of parking provision is considered to be acceptable given the need to ensure customers with cars have capacity to park off the road and reduce the likelihood of drivers parking on Bevois Valley Road. The re-siting of the ATM to the side elevation also reduces the likelihood of people pulling up on the highway to use that facility. The provision of customer cycle hoops is supported as is the re-alignment of the public highway and re-grading of the site in terms of ease of access.

## **7.0 Summary**

7.1 The existing authorised use of the site is retail. The constraints of the site, including noise and air quality would have to be addressed financially through construction techniques to make a residential scheme acceptable. The mixed use character of the area including a number of retail and commercial units in the immediate vicinity would enable a revamped retail outlet to sit comfortably within the street scene. The improvements proposed in terms of design, scale, access, landscaping and public realm will significantly improve the environmental and visual quality of the site. The conditions suggested will safeguard nearby residents from undue disturbance in the form of noise, light and general activity associated with the operation of the site.

## **8.0 Conclusion**

8.1 The main issue is the departure from the local plan allocation for residential development.

8.2 The Council's demonstration of a 5 year housing supply will not be prejudiced by the site not being delivered for housing.

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

1a-d, 2b-d, 4f, 5e, 6a, c, 7a, 8a, 9a-b

### **AA for 15/01/13 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 - 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.

**03. APPROVAL CONDITION - Service Lay-by - [Performance Condition]**

The retail store shall not be open for business unless and until the new service lay-by and re-aligned pedestrian route has been provided in accordance with the approved plans, including the re-siting of a street light and other utility infrastructure.

**REASON**

To enable servicing of the site to be undertaken without causing obstruction to the public highway.

**04. APPROVAL CONDITION - New access, parking spaces and cycle storage - [Performance Condition]**

The retail store shall not be open for business unless and until the new vehicular access, parking bays and visitor cycle stands have been provided in accordance with the approved plans. These facilities shall be thereafter retained and maintained for use by customers as approved whilst the retail use hereby approved remains in operation.

**REASON**

To ensure appropriate facilities are available for customers during store opening hours.

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

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

Monday to Sunday and recognised public holidays 0700 hours to 23.00 hours  
(07.00am to 11.00pm)

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

**Reason:**

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

**06. APPROVAL CONDITION - Delivery times [Pre-Occupation Condition]**

No servicing or deliveries shall be undertaken outside the following times:

Monday to Fridays and Public Holidays: 0600 to 0800, 1000 to 1500 and 1900 to 2100

Saturdays: 0600 to 0900 and 1900 to 2100

Sundays: 0800 to 1000 and 1900 to 2100

**Reason:**

To avoid obstruction of the highway at peak traffic congestion periods in the interests of highway safety and to protect the amenities of nearby residential occupiers.

**07. APPROVAL CONDITION - Materials to be used on the site - [Performance Condition]**

All materials to be used on the external areas of the building including walls, roof, glazing and frames, soffits, fascias and rainwater goods, and the hardsurface treatments within the site including parking areas, pedestrian routes and delineation between public and private areas shall be in accordance with the approved schedule of materials unless otherwise agreed in writing with the Local Planning Authority.

## REASON

In the interests of visual amenity.

### **08. APPROVAL CONDITION – Contractors’ Compound (Pre-Commencement Condition)**

Detailed plans specifying the areas to be used for contractors’ vehicle parking and plant; storage of building materials, and any excavated material, huts and all working areas required for the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. The development shall proceed in accordance with the agreed details

Reason:

To minimise the impact on the adjacent highway and in the interests of the amenities of nearby residents.

### **09. APPROVAL CONDITION - Wheel Cleaning Facilities [Performance 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.

### **10. 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.

### **11. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]**

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

Reason:

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



**12. APPROVAL CONDITION - Sustainability statement implementation [Pre-Opening Condition]**

Prior to the retail unit hereby granted consent first opening the approved sustainability measures as set out in section 4.0 of the Design and Access statement shall be implemented and continued to be operated unless evolving best practice enables more sustainable methods to be operated or as 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).

**13. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]**

The installation of all lighting serving the development must be undertaken and thereafter maintained in accordance with the approved Lighting Assessment including the fitting of mitigation measures to the external lighting in the car park.

Reason:

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

**14. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]**

The retail use hereby approved shall not commence until the recommendations of the acoustic report and in particular the 'noise control scheme' identified in section 7 of that report have been implemented in full. The site shall continue thereafter to operate in accordance with the agreed details.

Reason:

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

**15. APPROVAL CONDITION - Surface water drainage [Performance Condition]**

The scheme shall be implemented so as to ensure that no surface water flows from the car park and vehicular access onto public highway fronting the site.

Reason:

To ensure satisfactory drainage provision is made within the site in the interests of highway safety.

**16. APPROVAL CONDITION - Retaining Walls [Pre-Commencement Condition]**

Full details of the design and construction method of all boundary treatment including new retaining walls and other structures on the site shall be submitted to and approved by the Local Planning Authority in writing before development commences.

In particular details of the design, including height, alignment, materials and finish for the new boundary wall required between the site and 9 Ancasta Road must be agreed and then implemented prior to construction on the store itself unless otherwise agreed in writing with the Local Planning Authority.

All means of enclosure as agreed shall be subsequently provided and thereafter maintained as part of the development works hereby approved.

Reason:

In the interests of safety and security of the site and immediate neighbours.

**17. APPROVAL CONDITION - Landscaping [performance condition]**

The existing tree in the south-west corner of the site shall be protected during the course of demolition and construction and thereafter retained.

The new tree planting within the proposed retaining structures (planters) along the Ancasta Road frontage must be planted within the first planting season following completion of the development.

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

**REASON:**

To ensure that any trees planted as part of the landscaping scheme are replaced in accordance with that scheme.

**18. 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)

CS4	Housing Delivery
CS6	Economic Growth
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
H1	Housing Supply
REI8	Shopfronts
TI2	Vehicular Access

Other Relevant Guidance

National Planning Policy Framework 2012

**Relevant Planning History**

03/01107/Ful            New fire escape and plant and equipment (for Southern Motor Cycle Centre)

CAP - Approve with Conditions            08.10.2003

02/00952/FUL            Demolition of existing buildings and erection of part 1/part 2 storey front and side extension to provide extended showroom, office accommodation and replacement workshop. (for Southern Motor Cycle Centre)

CAP - Approve with Conditions            15.11.2002

93/0099/Ful            Change of Use to motorcycle sales and servicing (for Southern Motor Cycle Centre)

CAP - Approve with Condition            23.04.1993

91/0587            Change of Use of Car Showroom to retail sales (for Myco Car Limited)

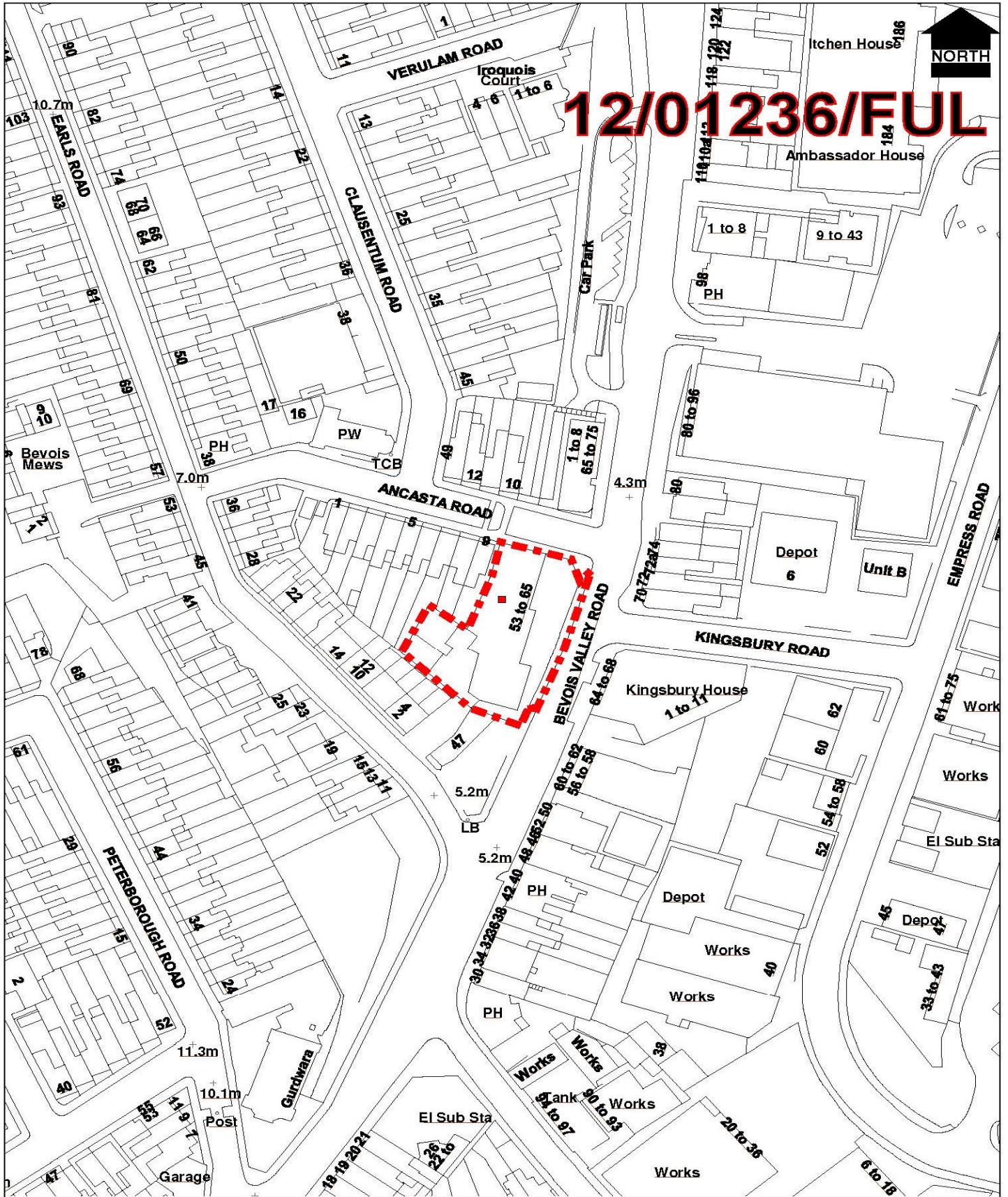
CAP - Approve with Conditions            20.05.1992

91/0718            Retention of Showroom and Workshop (for Myco Car Limited)

CAP - Approve with Conditions            08.11.1991

91/0512/Ful            First floor extension over workshop (for Westwood Motors Car Sales)

CAP - Approve with Conditions            18.11.1991



**12/01236/FUL**

Scale : 1:1250

Date :04 January 2013

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# Agenda Item 9

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 15 January 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Rear of Elsie Cottage Holt Court, Weston Lane SO19 9RA			
<b>Proposed development:</b> Erection of a two storey 2-bedroom dwelling, attached to side of existing property with associated car parking.			
<b>Application number</b>	12/01531/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>	29.11.12	<b>Ward</b>	Woolston
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Cunio Cllr Payne Cllr Williams

<b>Applicant:</b> Propus Developments Ltd	<b>Agent:</b> Neame Sutton Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Appendix attached</b>			
1	Development Plan Policies	2.	Planning History
3	Appeal decision dated 15 March 2012		

## **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 below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 15.01.13 do not have sufficient weight to justify a refusal of the application. The proposal has overcome the issues raised in the previous appeal decision and would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Furthermore, the proposal would assist in meeting housing need and increase housing provision. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS22 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The application site comprises a vacant piece of land to the side of a terrace of four, two and three storey houses which is part of a recent development. The site is bounded by 2m high close boarded wooden fencing and is over-grown with vegetation although it does not contain any planting of amenity value. The surrounding area is residential, although the character and appearance of dwellings vary.

#### 2.0 Proposal

- 2.1 The application seeks full planning permission to extend the existing property to provide a two-storey dwelling containing two bedrooms. The dwelling would have a flat-roof appearance. To the front of the property, one off-road car parking space would be provided.

#### 3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

#### 4.0 Relevant Planning History

- 4.1 The application is a resubmission of an application for a detached dwelling on the site which was refused planning permission in 2010 and dismissed at appeal. The planning history and appeal decision are included in **Appendix 2 and 3**. As part of the planning considerations it is necessary to assess whether or not the previous reason for refusal has been addressed. The previous reason for refusal stated :-

01. Reason For Refusal - Character and Context, Building on Garden Land.

The proposed development involves building on land which forms an important



setting to the comprehensive development approved in 2007. The land also forms garden land that is an important amenity space for existing dwelling houses, is not previously developed land; and makes a positive contribution to the spatial character of the area. As such the proposal is considered to represent harm to the character and context of the area and would harm the visual amenities of the area. The development is out of sympathy with the spatial pattern of development within the immediate area and therefore the development represents an overdevelopment of the site. As such and having regard to the advice of Planning Policy Statement 3 (Housing – published June 2010), the proposals are considered to represent harm to the character of the area and would prove contrary to the following adopted Development Plan policies and supplementary planning guidance for Southampton:- City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 (i), SDP7 (i) (ii) (iii) and (v), SDP9 (i) and (v). City of Southampton Core Strategy (January 2010):- CS4, CS5 and CS13. Residential Design Guide (September 2006):- Sections 3.2 and 3.9.

#### 02. Reason For Refusal - Insufficient Amenity Space.

The Local Planning Authority is not satisfied that the proposed development would result in an attractive and acceptable living environment for the residents of Elsie Cottage and Florinda Cottage, in particular: the proposal fails to leave adequate, usable private amenity space to serve the residential properties. The remaining amenity space is below the council's adopted minimum standards and creates an unacceptable living environment. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.14 and 4.4.1 of The Residential Design Guide 2006 [September 2006]) and SDP7 (v) of the City of Southampton Local Plan Review (March 2006).

#### 03. Reason For Refusal - Flooding

The applicant has not provided a flood risk assessment. In the absence of a flood risk assessment, the flood risks resulting from the proposed development are unknown. The development proposal is thereby contrary to Planning Policy Statement 25 and policies SDP20 and H2 of the City of Southampton Local Plan Review (March 2006) and Policy CS23 of the adopted LDF Core Strategy (January 2010).

#### 04. REFUSAL REASON - Code for Sustainable Homes and on site renewables - Climate Change.

In the absence of any commitment to the Code for Sustainable Homes or to provide on site re-newabes in addition to an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

- 4.2 In particular, from **Appendix 3** the Inspector concluded at paragraphs 9 and 10:-  
*"9. Furthermore, the proposed house would be built right up to the common boundary with no.20 and, as I have said above, **would fill much of the width of what is a narrow plot of land.** Notwithstanding the simple design and flat roof,*

*the dwelling would appear as if it had been **squeezed into its plot**. The off-street parking of two cars at the front of the plot would also detract from the openness of the plot. In my view there would be **no room for any meaningful landscaping** at the front of the facade or the plot and this would not, in any event, compensate for the loss of spaciousness between no.20 and the Cottages. To my mind, the **2007 planning permission for the Holt Court area delivered a scheme with well-thought-out spatial relationships** given the heights and orientations of the buildings to be provided on the site. Refuse bin areas for nos 6, 8 and 10 Weston Avenue were shown on land which is now part of the appeal site and some landscaping is shown to the west of the bins but land is shown essentially as garden land with no significant built development upon it.*

*10. On this first issue, I find that the proposal would unduly **harm the character and appearance of the area particularly the spatial pattern**. It would be contrary to saved policies SDP7 (i) (ii) & (iii), SDP9(i) and (v) of the City of Southampton Local Plan Review (2006) 'LPR', policy CS13 of the City of Southampton Core Strategy (2010) 'CS' and the Residential Design Guide (2006) 'RDG'.*

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.10.12). At the time of writing the report **5** representations have been received from surrounding residents, which includes an objection from Ward Councillor Payne and an objection from 20 Holt Court to which the extended building would be attached. The following is a summary of the points raised:

5.2 ***The proposal would result in an area of informal car parking which would exacerbate existing problems within insufficient car parking within the area.***

### **5.3 Response**

There is no requirement for the site to provide car parking to address overspill issues within the surrounding area and being privately owned, the applicant could prevent the site being used for car parking at any time. The provision of 1 off-road car parking space is in accordance with the maximum of 2 spaces permitted by the adopted Car Parking Standards Supplementary Planning Document and is therefore considered to be acceptable.

5.4 ***Adequate boundary treatment between the proposed dwellings and its neighbours should be provided.***

### **5.5 Response**

A condition is suggested to secure adequate boundary treatment is provided and retained.

5.6 ***No surface water should run-off from the site onto the neighbouring property.***

### **5.7 Response**

A condition is suggested to secure details of surface water disposal and

Southern Water has no objection to the proposal.

5.8 ***The proposal would represent an over-development with insufficient amenity space to support it.***

5.9 **Response**

The level of amenity space proposed (77sq.m) exceeds the the 50 sq.m guideline set out in the Residential Design Guide and less than 50% of the plot would be covered by building and hard-surfacing. The application includes adequate storage and parking and overall it is not considered that the proposal exhibits symptoms of over-development.

### **Consultation Responses**

5.10 **SCC Highways** - No objection.

5.11 **SCC Sustainability Team** – Conditions are suggested to ensure the development achieves level 4 of the Code for Sustainable Homes as required by policy CS20 of the Core Strategy.

5.12 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to minimise disruption to residents during the construction process.

5.13 **Southern Water** – No objection. Requests a note to applicant be attached to any planning permission informing the developers of the requirement to connect to the public sewer.

### **6.0 Planning Consideration Key Issues**

6.1 The application needs to be assessed in terms of the planning history of the site and the following key issues:

- i. The principle of development;
- ii. Design, density & impact on established character;
- iii. Impact on residential amenity;
- iv. Quality of residential environment and,
- v. Highways and parking.

#### **6.2 Principle of Development and Flood Risk**

6.2.1 Garden land does not constitute previously developed land and the priority for development should be previously developed sites. That said, when considering the previous appeal scheme for the introduction of a dwelling on this site, the appeal inspector noted that since the site was vacant, urban land, within a relatively sustainable location, it should be used efficiently and effectively, where possible (para 7 of the appeal decision in **Appendix 3** refers). The provision of a small dwellinghouse will contribute towards the Council's housing requirements.

6.2.2 The site lies within Floodzones 1 and 3 and policy CS23 of the Core Strategy requires new development to not be at risk of flooding or to increase the risk of flooding elsewhere. A flood risk assessment was provided with the previous application on this site and concluded that the site is suitable for the development of a dwelling. This conclusion was agreed with by the subsequent appeal inspector (paragraph 12 of the decision in Appendix 3 refers). The principle of

development is therefore considered to be acceptable.

### 6.3 Design, Density & Impact on Established Character

6.3.1 The proposed density of 51 dwellings per hectare is slightly in excess of the 35 to 50 d.p.h range set out by policy CS5 of the Core Strategy for low accessibility areas. This policy also requires density to be assessed in terms of the character of the area, open space accessibility and the efficient use of the land.

6.3.2 The previously refused scheme on this site proposed a detached dwelling which occupied much of the gap between 20 Holt Court and Elsie Cottage. The current application instead proposes an extension to the existing building which enables a gap of just under 4 metres to be retained between the side elevation and the boundary with Elsie Cottage. This enables a better sense of spatial separation to be retained in the development and the visual break in development that was referred to in the Inspector's decision. In addition to this, the dwelling is designed to read as a subordinate addition to the main house being set back slightly from the front elevation and also being lower in height than the existing dwelling. The main entrance door is also located to the side of the property which would assist with this secondary appearance.

6.3.3 As stated above, the amount of amenity space provided exceeds the Residential Design Guide Standards, meaning there is sufficient space about the building to ensure that the plot does not appear over-developed. One car parking space is provided to the front of the dwelling which would enable a significant area of soft landscaping to be incorporated to the property frontage and a condition is suggested to secure this. As such, it is considered that the proposal has fully addressed the reason for the previous appeal on this site being dismissed. One unfortunate consequence of the originally submitted proposals is that the side path to No.20's garden would have been lost. An amended plan has now been submitted showing part of the new dwelling's garden sacrificed to provide a new pathway to No 20's back garden, where secure cycle storage is to be provided, meeting the intention of the original 'estate' consent under 07/00718/FUL.

### 6.4 Impact on Residential Amenity

6.4.1 The separation between the side elevation of the proposed dwelling and the rear elevation of Florinda Cottage is 12.9 metres which exceeds the 12.5 metre separation distance recommended by the Residential Design Guide Supplementary Planning Document. Similarly the 'back-to-back' separation with Abbey Water Court also exceeds the 21 metre standard set out in the guidance. The proposed building would project no further to the rear than the adjoining property and would not therefore have a harmful impact on the amenities of the occupiers of this property. Furthermore, whilst, the reason for refusal of the previous scheme on this site related to the loss of amenity space available to serve Elsie and Florinda Cottages, this matter was not upheld by the appeal Inspector and is not considered enforceable at this stage as no planning condition was attached to 07/00718/FUL requiring the current application site to be laid out and made available as private garden land, before any new dwelling could be occupied and then retained for that purpose.

6.4.2 Party Wall issues with No 20 Holt Court can be resolved outside of the planning system. The proposal is therefore considered to have an acceptable relationship

with the existing residential properties which neighbour the site.

## 6.5 Quality of Residential Environment

6.5.1 The proposed dwelling would be served by more than the 50 sq.m standard set out in the Residential Design Guide, even with the new pathway to serve No. 20's back garden. Outlook from habitable room windows would be acceptable and defensible space would be provided to the front of the dwelling. In addition to this, cycle and refuse storage would also be provided to an acceptable standard. The quality of the residential environment proposed is therefore considered to be acceptable.

## 6.6 Parking and Highways

6.6.1 One off-road car parking space would be provided which is in accordance with the adopted maximum car parking standards and furthermore, having regard to the modest, two-bedroom nature of the proposed dwelling is considered to be acceptable. Highways have raised no objection with the location of the proposed parking space or the access to it and the development is therefore considered to be acceptable in this respect.

## 7.0 Summary

7.1 The amendments to the scheme ensure that the proposed dwelling would read as a subservient addition to the existing house and would retain a meaningful gap between the building and neighbouring development. The application is considered to fully address the reasons for the earlier appeal on the site being dismissed.

## 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), 3(a), 4 (f), (v) 6 (a), (c), (f), (i), 7 (a)

**JT for 15/01/13 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, & 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. hard surfacing materials;
- 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. details of any proposed boundary treatment, including a low front boundary treatment; and
- iv. 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 - Refuse & Recycling Bin Storage – Details to be submitted [pre-commencement condition]**

Notwithstanding the information already submitted, details of the elevations of the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be thereafter retained.

Reason:

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

**05. APPROVAL CONDITION - Cycle Storage [performance condition]**

Cycle storage for both the new dwelling and that to be provided in the back garden of No. 20 Holt Court, served by the new pathway to be provided, shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the plans hereby approved. The cycle storage shall be thereafter retained.

Reason:

In the interests of the visual appearance of the building and the area in general and to promote alternative modes of travel to the private car.

**06. APPROVAL CONDITION - Amenity Space Access [performance condition]**

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwelling hereby permitted and shall be retained with access to it at all times for the use of the occupiers of the development .

Reason:

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

**07. APPROVAL CONDITION – Removal of permitted development [performance condition]**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

**08. APPROVAL CONDITION – Parking and Access [performance condition]**

The on-site car parking spaces and the access to them shall be provided on site in accordance with the plans hereby approved and made available for use prior to the dwellings first coming into occupation and retained as approved. The parking shall be thereafter retained for that purpose and not used for any commercial use.

REASON

To ensure that adequate parking is provided to serve the development

**09. APPROVAL CONDITION- Obscure Glazing [performance condition]**

The windows in the side elevation, above ground floor level of the dwelling hereby approved (serving a bedroom and a bathroom) shall be fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of the privacy of the neighbouring properties and the amenities of the prospective occupants of the development.

**10. APPROVAL CONDITION – No other windows [performance condition]**

No other windows shall be located in the side elevation, above ground floor level of the dwelling hereby approved unless they are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of residential amenity

**11. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]**

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To ensure that the development does not adversely impact on the public sewer system

**12. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

**13. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

REASON:

To ensure the development has minimised 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).



#### **14. APPROVAL CONDITION - Hours of Construction [ Performance condition]**

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

#### **15. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]**

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

Reason:

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

#### **16. APPROVAL CONDITION - Approved Plans**

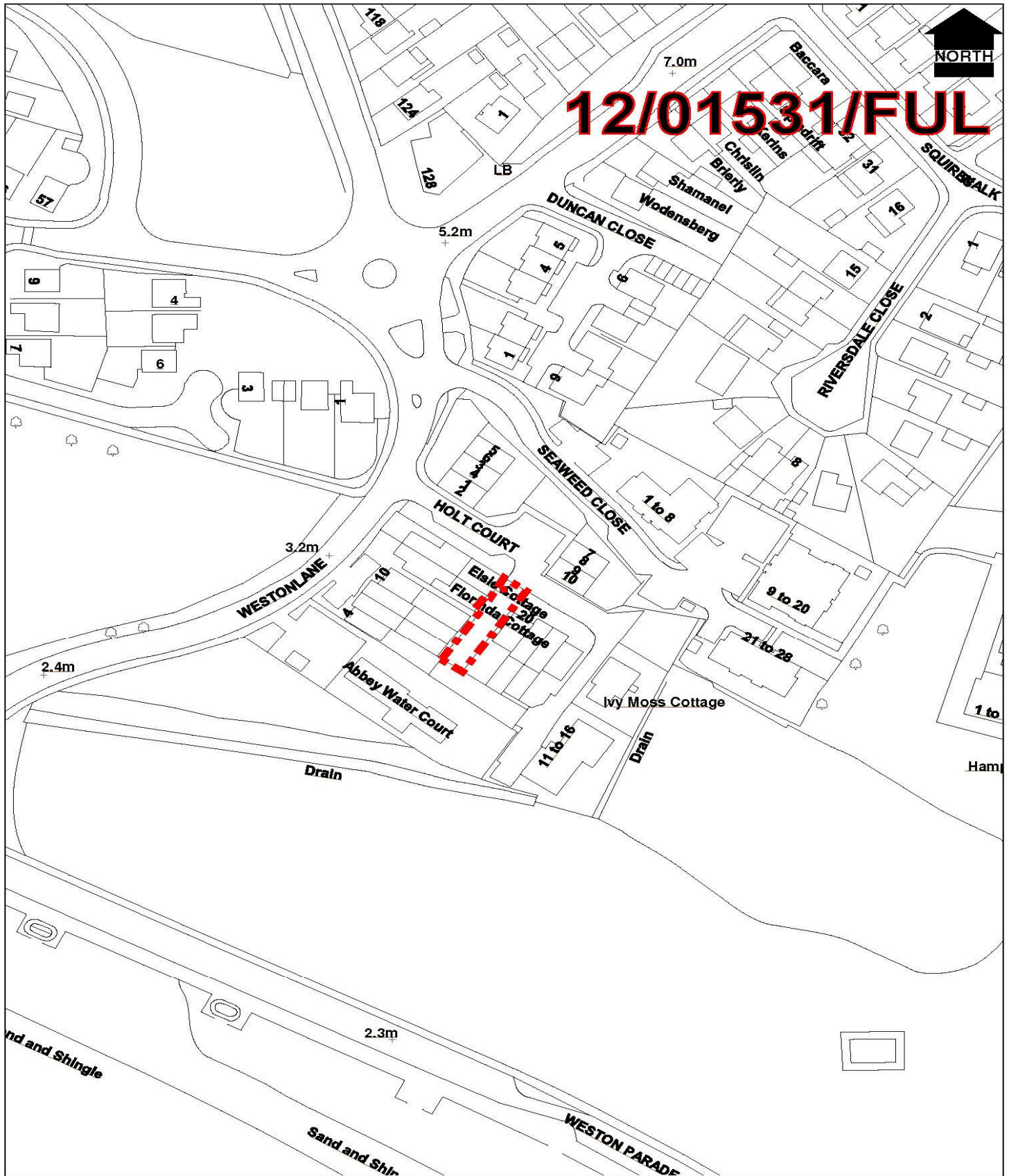
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

#### **Note to Applicant**

Party Wall: The applicant is reminded that further agreements may be required under the Party Wall Act (1996) as this application proposes development on or near the boundary with a neighbouring property. Further guidance can be obtained from the Council's Building Control Officer on 023 8083 2558.



Scale : 1:1250

Date : 04 January 2013

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**Application** 12/01531/FUL

## **POLICY CONTEXT**

### Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

### 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
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
TI2	Vehicular Access

### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards Supplementary Planning Document

### Other Relevant Guidance

The National Planning Policy Framework 2012

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**Application** 12/01531/FUL

### **Relevant Planning History**

10/01746/FUL

Refused 18.04.11 and Appeal Dismissed

Erection of 1x 3-bed detached house with associated parking, cycle store and refuse store on the land adjoining 20 Holt Court

Reasons for refusal:

01. Character and Context, Building on Garden Land.

The proposed development involves building on land which forms an important setting to the comprehensive development approved in 2007. The land also forms garden land that is an important amenity space for existing dwelling houses, is not previously developed land; and makes a positive contribution to the spatial character of the area. As such the proposal is considered to represent harm to the character and context of the area and would harm the visual amenities of the area. The development is out of sympathy with the spatial pattern of development within the immediate area and therefore the development represents an overdevelopment of the site. As such and having regard to the advice of Planning Policy Statement 3 (Housing – published June 2010), the proposals are considered to represent harm to the character of the area and would prove contrary to the following adopted Development Plan policies and supplementary planning guidance for Southampton:- City of Southampton Local Plan Review 'saved' policies (March 2006):- SDP1 (i), SDP7 (i) (ii) (iii) and (v), SDP9 (i) and (v). City of Southampton Core Strategy (January 2010):- CS4, CS5 and CS13. Residential Design Guide (September 2006):- Sections 3.2 and 3.9.

02. Insufficient Amenity Space.

The Local Planning Authority is not satisfied that the proposed development would result in an attractive and acceptable living environment for the residents of Elsie Cottage and Florinda Cottage, in particular: the proposal fails to leave adequate, usable private amenity space to serve the residential properties. The remaining amenity space is below the council's adopted minimum standards and creates an unacceptable living environment. As such, the proposed development would prove contrary to Policies SDP1 (i - particularly paragraphs 2.3.14 and 4.4.1 of The Residential Design Guide 2006 [September 2006]) and SDP7 (v) of the City of Southampton Local Plan Review (March 2006).

03. Flooding

The applicant has not provided a flood risk assessment. In the absence of a flood risk assessment, the flood risks resulting from the proposed development are unknown. The development proposal is thereby contrary to Planning Policy Statement 25 and policies SDP20 and H2 of the City of Southampton Local Plan Review (March 2006) and Policy CS23 of the

adopted LDF Core Strategy (January 2010).

#### 04. Code for Sustainable Homes and on site renewables - Climate Change.

In the absence of any commitment to the Code for Sustainable Homes or to provide on site re-newables in addition to an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

08/00327/FUL

Refused 09.05.08

Erection of a two-storey detached dwellinghouse with three-bedrooms, with associated storage and on-site parking

Refusal reason:

Out of keeping/erosion of space

The proposed development would result in a cramped layout and appearance within the street scene and erodes the space between properties on Weston Lane and the new development adjacent to Ivy Moss Cottage. The sense of space between Elsie Cottage and the new development is a characteristic of the immediate and wider area. This pattern of spaces is similar to that found between the comprehensive new development and the existing Ivy Moss Cottage and the existing layout of the development at Holt close. By failing to have regard to the established pattern of development the proposed infill does not respect the character of the area and therefore is contrary to SDP1, SDP7 and SDP9 of the city of Southampton Local Plan and guidance set out in the Residential Design Guide September 2006.

07/00718/FUL  
30.08.07

Conditionally Approved

Erection of 8 terraced houses (part 2-storey and part 3-storey) and a three and four-storey building to provide 6 two-bedroom flats with vehicular access from Weston Lane and Holt Court (Ivy Moss, Elsie and Florinda Cottages to be retained).



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## Appeal Decision

Site visit made on 13 February 2010

**by Megan Thomas BA Hons in Law, Barrister**

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

**Decision date: 15 March 2012**

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### **Appeal Ref: APP/D1780/A/11/2163023**

### **Land near Moss Cottage, Weston Lane, Southampton SO19 9GH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Propus Developments Ltd against the decision of Southampton City Council.
  - The application Ref 10/01746/FUL, dated 15 December 2010, was refused by notice dated 18 April 2011.
  - The development proposed is the erection of one 3 bedroom house.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The site address details on the planning application form indicate that the appeal site is at Moss Cottage, Weston Lane, Southampton. I consider that it is more accurate to describe the site as 'near' Moss Cottage rather than 'to the rear of', or in any other direction. I have amended the site details entered in the box above accordingly.

### **Main Issues**

3. The three main issues are the effect of the proposal on the character and appearance of the area with particular regard to the spatial pattern; the effect of the proposal on the living conditions of the occupants of Elsie Cottage and Florinda Cottage with regard to private amenity space, and the appropriateness of the proposal on the appeal site with regard to flood risk.

### **Reasons**

#### *Character and appearance*

4. The appeal site is situated off a cul-de-sac known as Holt Court. Holt Court runs in a broadly south-easterly direction off Weston Lane. Nos 7 to 10 Holt Court face the entrance to Holt Court and no.20 faces the flank wall of 9 & 10 Holt Court with the roadway in between the two. No.20 is adjacent to the appeal site, to its south-east, and it is one of a terrace of 4 modern dwellings.
-

5. Some of the buildings within Holt Court and some which front Weston Lane were built pursuant to a single planning permission (ref 07/00718/FUL) granted in 2007. On the approved site plan (drawing no. PO2 Rev A B C ) the appeal site is shown as part of the rear gardens to Elsie Cottage and Florinda Cottage and also as part of the rear gardens of three of the (then) proposed terraced units facing Weston Lane (nos 6, 8 & 10). The appellants indicate in their representations that those 3 terraced houses were sold off without the inclusion of any land within the appeal site within their curtilages. At the time of my site visit, the rear gardens to Elsie Cottage and Florinda Cottage are shorter and smaller than shown on the site plan (drawing no. PO2 Rev A B C) and the Written Statement from the appellant states that the appeal site has not formed part of the legal ownership of either Elsie or Florinda Cottages "since 2006".
6. The proposal would provide a modest two storey detached dwelling with off-street parking for two vehicles at the front and a garden to the rear. The north-west boundary of the appeal site forms the rear boundaries of dwellings on Weston Lane – nos 6,8 & 10 and Florinda Cottage and Elsie Cottage. Abbey Water Court is a residential development situated to the south-west of the appeal site but it does not immediately adjoin it. The waterfront of the Solent known as Weston Shore is close by.
7. The appeal site is currently vacant urban land in a relatively sustainable location and as such is to be used efficiently and effectively, where possible. However, development of it should not compromise the character or appearance of the area. The current spatial relationships between the blocks of development in the immediate area of the appeal site all make a valuable contribution to its appearance and character. This is, in part, owing to several of the buildings being planned and built at the same time pursuant to the 2007 permission.
8. In my view, it is essential to maintain an air of openness and maintain vistas between the buildings in this area. The entrance to Holt Court is relatively narrow with a layby on the southern side allowing for some parking, then it opens into a wider area then narrows again as it passes in front of the 4 units containing no.20. The view in a south-westerly direction across the appeal site towards Abbey Water Court contributes to the openness of the area. This is particularly so because Florinda Cottage and Elsie Cottage have bulky two storey rear extensions which extend beyond the rear (uneven) building lines of 4,6,8 & 10 Weston Lane and have a rather domineering effect. Whilst the proposed house would have a flat roof and therefore be lower than traditional two-storey housing, it would nevertheless fill much of the width of the plot and would cut down the view through to Abbey Water Court, harming the streetscape.
9. Furthermore, the proposed house would be built right up to the common boundary with no.20 and, as I have said above, would fill much of the width of what is a narrow plot of land. Notwithstanding the simple design and flat roof, the dwelling would appear as if it had been squeezed into its plot. The off-street parking of two cars at the front of the plot would also detract from the openness of the plot. In my view there would be no room for any meaningful landscaping at the front of the facade or the plot and this would not, in any event, compensate for the loss of spaciousness between no.20 and the Cottages. To my mind, the 2007 planning permission for the Holt Court area delivered a scheme with well-thought-out spatial relationships given the heights and



orientations of the buildings to be provided on the site. Refuse bin areas for nos 6, 8 and 10 Weston Avenue were shown on land which is now part of the appeal site and some landscaping is shown to the west of the bins but land is shown essentially as garden land with no significant built development upon it.

10. On this first issue, I find that the proposal would unduly harm the character and appearance of the area particularly the spatial pattern. It would be contrary to saved policies SDP7 (i) (ii) & (iii), SDP9(i) and (v) of the City of Southampton Local Plan Review (2006) 'LPR', policy CS13 of the City of Southampton Core Strategy (2010) 'CS' and the Residential Design Guide (2006) 'RDG'.

#### *Private amenity space*

11. The Council contend that the proposal would result in substandard private amenity space for the occupants of Elsie Cottage and Florinda Cottage. However, it appears that the parts of the appeal site that were once part of the gardens of those cottages have been sold off prior to 2006. They have not apparently been part of those residential planning units, at least in legal terms, since that time. At time of my site visit, there were boundary fences delineating the ends of the rear gardens of the Cottages. The development of the appeal site would not cause the private amenity space available to those properties to be reduced. Therefore, on the information available to me, I do not consider that the proposed scheme would reduce the private amenity space available to the occupants of Florinda Cottage and Elsie Cottage and that aspect of their living conditions would not unduly be affected. There would be no conflict with policies SDP1(i) and SDP7 (v) of the LPR or with guidance in the RDG.

#### *Flood risk*

12. The Environment Agency objected to the planning application as there was no flood risk assessment. The appellants have produced one dated October 2011 and it is not disputed by the Council. The assessment indicates that the site is within Flood Zone 1 but the southern side abuts Flood Zone 3. There has been further analysis of the topography, the flooding history of the area and the off-site implications of any flood water and the assessment concludes that, with various measures in place, the site is wholly suitable for the development envisaged. I too am satisfied that there would be no undue harm to the development itself or to surrounding development as a result of flood water and that the provisions in PPS25 *Development and Flood Risk* and the policy requirements in the LPR and CS could be met.

#### **Other Matters**

13. The fourth reason for refusal referred to the failure of the appellant to demonstrate that the development could contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1. However, the appellant has indicated its agreement to a planning condition being attached to a potential planning permission which would require the development to achieve at least Level 3 of the Code for Sustainable Homes as required by policy CS20 of the CS. The Council consider that that condition would overcome their objection and I agree with that assessment. There is no reason to refuse the scheme on its lack of contribution towards tackling climate change.

## **Conclusion**

14. Whilst I have found the scheme would not cause undue harm to the living conditions of the occupants of Elsie and Florinda Cottages with regard to their amenity space, that there would be no unacceptable flood risk issues and no reason to refuse on climate change grounds, I have found that there would be harm to the character and appearance of the area. In weighing up the benefits and disbenefits, I have borne in mind that the scheme would inject investment into the economy and would be likely to use local labour which are aims supported by 'Planning for Growth'. I have also borne in mind the increase, albeit small, in the housing supply and the help towards the goal of reducing climate change. However, I have concluded that the substantial harm flowing from the scheme to the character and appearance of the area outweighs those other considerations. Therefore, having taken into account all representations made, I dismiss the appeal.

*Megan Thomas*

INSPECTOR

# Agenda Item 10

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 15 January 2013  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Southampton Logistics Ltd, Unit F West Quay Road SO15 1GZ			
<b>Proposed development:</b> Change Of Use From Warehouse Building Into A Dance Rehearsal Studio With Offices And Training Centre			
<b>Application number</b>	12/01459/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	OVER	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker

<b>Applicant:</b> Pullen Associates	<b>Agent:</b> Pullen Associates
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		

## Reason for granting Permission

The site is safeguarded for Industry and Warehousing use under Saved Policy RE10(xiii) of the Local Plan Review. Whilst the proposed Dance Rehearsal Studio With Offices And Training Centre does not strictly accord with the site specific designation, the Council is satisfied that the site has been marketed for a sufficient period without take up, and the proposed alternative use is acceptable on the basis that it brings the building back into use. The proposed use has economic and employment benefits by allowing Carnival, a major city employer, to relocate its bespoke dance rehearsal studios to Southampton.

The development is acceptable taking into account all other relevant policies and proposals in the Development plan as set out below. Overall the principle scheme is acceptable, particularly it would provide continued employment use for the site and the proposed use will not prejudice neighbouring commercial and industrial activities.

Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP3, SDP4, SDP7 and REI10(xiii) of the City of Southampton Local Plan Review (March 2006) and policies CS6 and CS7 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The application site comprises a warehouse building, vacant since June 2012, located at the south-western end of the West Quay industrial estate. The warehouse building has a double pitched roof and is finished in face brick. The building has been extended to the front to provide office accommodation. An enclosed yard area is located at the rear accessed via a gated driveway. Forecourt parking is located to the front.
- 1.2 West Quay industrial estate predominantly comprises industrial and warehousing units. However Unit K has been converted into a roller disco/ dance studio and is authorised for D2 (leisure) use. The industrial estate is accessed from West Quay Road. The estate is pedestrian friendly with footways in place.

#### **2.0 Proposal**

- 2.1 The application seeks change of use from warehousing into a dance rehearsal studio with offices and a training centre for Carnival Group PLC. The proposal is to create 3 dance studios together with a voice coaching room and store room within the existing warehouse building. The existing ground floor offices will be converted to create office, changing rooms and rest areas for the dancers and instructors, the upper floor offices will be used as offices and a training centre.
- 2.2 Carnival UK wish to relocate from their existing dance studio in London to bespoke dance rehearsal studios for their cruise ship entertainers. There would be between 35-60 persons attending the training courses with 1 full time member of staff. The premises would operate between the hours of 09:00 to 18:00.
- 2.3 No external changes are proposed to the building. 1 Car parking space and 15 cycle parking spaces are proposed to serve the use.

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

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

4.1 Ware house with offices constructed under permission 6667/1136/14R1 granted 16.09.1958.

#### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (1.11.12) and erecting a site notice (25.10.12). At the time of writing the report no representations have been received.

5.2 **SCC Highways** - No objection

5.3 **Planning Policy** – No objection.

5.4 **Pollution & Safety**) - No objection subject to a condition to secure the proposed hours of use (09:00 to 18:00)

Officer response - It is considered unreasonable and unnecessary to restrict the hours of use given there is no noise-sensitive residential use within the vicinity.

5.7 **Environment Agency** – No objection

#### **6.0 Planning Consideration Key Issues**

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

##### **6.2 Principle of Development**

6.2.1 The Council's planning policy team have raised no objection to the proposed departure from policy RE10(xiii) and are satisfied that the site has been marketed for industrial and warehousing use for a sufficient period (10 months) without take-up.

6.2.2 The proposed dance rehearsal studio, offices and training centre provide opportunity to bring the building back into use.

6.2.3 Whilst the proposed use only provides 1 full time employee, there are indirect economic and employment benefits because the proposal will support a major city employer by allowing Carnival UK to relocate its dance studio to Southampton.

6.2.4 The bespoke dance rehearsal studios will provide training for employees within the cruise industry, a key employment sector within the city.

The site is located in close proximity to the Carnival Headquarters in Harbour Parade.

- 6.2.5 It is recommended that a condition be added to make the consent personal to Carnival UK and its subsidiaries. The proposed departure is acceptable because of the particular circumstances of this case. Any alternative future D1/D2 uses can be considered on their own merits.

### 6.3 Impact on nearby commercial uses

- 6.3.1 The proposed dance studio will not prejudice the operation of nearby commercial and industrial activities.

### 6.4 Highway Matters

- 6.4.1 The site is located within a sustainable location in close proximity to the city centre and the Carnival Headquarters on Harbour Parade.
- 6.4.2 The area is well served by public transport and the site is also accessible by bike and on foot. On site storage for 15 bicycles is to be provided.
- 6.4.3 On site car parking is available to the front and within the yard area to the rear. The supporting Design & Access Statement indicates that less than 20% of visitors will attend the premises using a car.
- 6.4.4 No objection has been raised by the Council's Highway Engineers.

## 7.0 Summary

- 7.1 Whilst the proposed Dance Rehearsal Studio With Offices And Training Centre does not strictly accord with the site specific designation, the Council is satisfied that the site has been marketed for a sufficient period without take up, and the proposed alternative use is acceptable on the basis that it brings the building back into use. The proposed use has economic and employment benefits by allowing Carnival, a major city employer, to relocate its bespoke dance rehearsal studios to Southampton.
- 7.2 Overall the principle scheme is acceptable, particularly it would provide continued employment use for the site. The proposed use will not prejudice neighbouring commercial and industrial activities and the travel demands of the development are met.

## 8.0 Conclusion

It is recommended that planning permission be granted subject to conditions.

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

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

1a, b, c, 2b, c, d, 3a, 4i, l, vv, 5e, 6c, 7a, 9a & b

**AG for 15/01/13 PROW Panel**

## **PLANNING CONDITIONS**

### **01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use**

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

Reason:

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

### **02. APPROVAL CONDITION - Personal consent**

Unless otherwise agreed in writing by the Local Planning Authority the use of the building as a dance rehearsal studio with offices and training centre hereby approved shall be for the benefit of Carnival and their subsidiaries and for no other business, person or persons.

REASON: This consent represents an acceptable departure from policy RE110(xiii) because of the particular circumstances of this case.

### **03. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS6	Economic Growth
CS7	Safeguarding Employment Sites

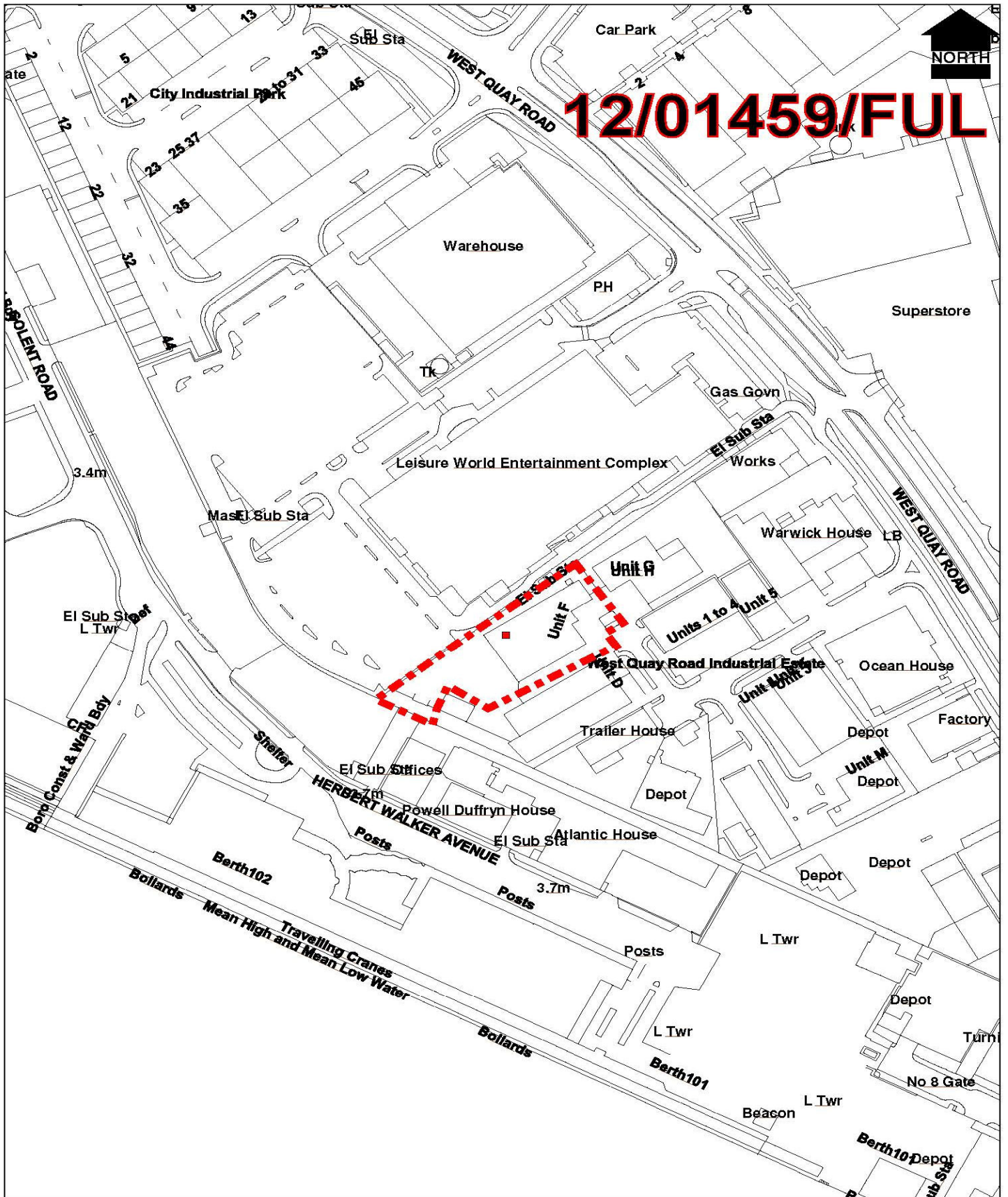
City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP7	Urban Design Context
REI10	Industry and Warehousing

Other Relevant Guidance

The National Planning Policy Framework 2012





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Date :04 January 2013

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# Agenda Item 11

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 15 January 2013  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> G T House, Ashley Crescent, SO19 9NA			
<b>Proposed development:</b> Change of use from industrial to a leisure use - children's indoor play area (Class D2).			
<b>Application number</b>	12/01516/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	22/11/2012	<b>Ward</b>	Sholing
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Kolker Cllr Jeffery Cllr Blatchford

<b>Applicant:</b> Templeton Wells Ltd	<b>Agent:</b> Mr James Scott
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<b>Recommendation Summary</b>	<b>Conditionally approve for a limited period expiring 31 January 2019</b>
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## Reason for granting permission

Notwithstanding that the application constitutes a departure from the Development Plan 'saved' Policy REI 10 (i) of the City of Southampton Local Plan March 2006 which allocates the site for B1 (c), B2 and B8 uses, the proposal is compliant with the wider objectives of the Development Plan, set out below. Currently, it is accepted that there is low demand for B1(c), B2 and B8 use at this location at the present time and is considered appropriate to this location, as it will increase the potential for occupancy of the site; as such full consent can be granted. In addition, other material considerations including amenity, parking, economic benefits, the previous vacancy of the unit and the importance of encouraging employment within the city, outweigh compliance with this policy 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.

City of Southampton Core Strategy (January 2010) – CS3, CS6, CS7 and CS19.  
City of Southampton Local Plan Review (March 2006) - SDP1, SDP3, SDP4, SDP5, SDP10, SDP16 and REI10.

<b>Appendix attached</b>	
1	Development Plan Policies

## Recommendation in Full

**Conditionally approve**

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

- 1.1 The industrial estate is accessed off Portsmouth Road in Sholing. The unit is located close to Portsmouth Road and is also close to the vehicular access of Mayfield Academy.
- 1.2 The area surrounding the industrial estate comprises residential properties and Mayfield Academy. Along with a range of industrial uses including scrap metal recycling, waste management and vehicular sales and repair, the estate also contains a dance studio (which does not benefit from planning permission) and a cash and carry wholesale warehouse both of which are available to the general public.
- 1.3 The site is located within a standard accessibility area and is allocated in the Local Plan for light industry, general industry and storage and distribution uses (B1[c], B2 and B8).

## **2.0 Proposal**

- 2.1 The applicant proposes to establish a children's indoor soft play centre (Class D2 leisure use). The proposed hours of operation would be 7 days per week 09.00 to 18.00. Parking for 43 vehicles is available on site.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

## **4.0 Relevant Planning History**

- 4.1 Building granted consent as coachworks and caravan building workshop under 6319/1242/27R1 (25.6.1963).

## **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (published 06.12.2012) and erecting a site notice (04.10.2012). At the time of writing the report 0 representations have been received from surrounding residents.
- 5.2 **SCC Highways** - Ashley Crescent benefits from 2 access points, onto 30mph Portsmouth Road, a main arterial route into the city. Accident statistics here do not show a trend in any incidents, and the accesses are shared by the Mayfield Academy and Veal's wholesalers alongside the industrial uses. The proposed use is likely to generate highways movements which peak at times that industry uses dip, therefore a clash of peak times is unlikely. The provision of 43 parking spaces is considered adequate. If peak times result in overspill, it will not clash with high demands of industrial parking overspill.
- 5.3 **SCC Planning Policy** - On the principle of a change of use - the site is safeguarded in the Development Plan for general industrial and warehouse uses (B1c, B2 and B8) under Policy REI10(i). The applicant makes reference to 18 months of marketing. If you are satisfied through evidence submitted that this was indeed carried out - for the time period stated and for the use it has permission for then that would constitute a reasonable period of time and we would be more sympathetic to a change of use for this site. Ashley Crescent appears to contain a mix of different commercial uses including a dance studio opposite, and a D2 (leisure) use might be acceptable for this particular unit. Given that there are industrial / commercial uses taking place in the vicinity which involve vehicular movements / deliveries etc. we suggest that conditions might be appropriate for ensuring children's movements are safely contained within the site boundary - and/or a temporary permission given to ensure that the safety levels for children are adequate.
- 5.4 **SCC City Development (Economic Development)** - No objection.
- 5.5 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed change of use as being sensitive to the affects of land contamination.

### Response

Groundwork is unlikely to be needed as part of the development and therefore the conditions requested would not meet the tests for conditions in circular 11/95.

- 5.6 **SCC Environmental Health (Pollution and Safety)** - No objection is raised. The development is considered sufficiently far from the nearby industrial uses which have the potential to harm health to enable the scheme to be supported.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this application are:
- The principle of this development given the parking allocation for the site.

- Transport and parking issues
- Impact on adjoining uses.

## 6.2 Principle of Use

With regard to the provisions of Policy REI 10 (i) of the Local Plan, the proposed use does not fall within the range of use classes designated for this area which include general industrial uses, light industry and storage and distribution. As such the development is a departure from the Development Plan.

6.3 Owing to the urban nature of the City of Southampton there is a limited supply of employment land and in particular industrial/storage floor space. Therefore the loss of the potential industrial and distribution floor space has to be balanced against the positive aspects of the scheme namely the occupation of the building and associated economic and social benefits.

6.4 Industrial uses tend to have a greater potential for job creation and associated economic benefits than an indoor play centre, however the site has been vacant since the end of February 2011 and has been marketed since the beginning of July 2010 with no interest other than that from the proposed occupiers, 'Jungle Mania'.

6.5 Jungle Mania have been looking for suitable accommodation for almost two years with GT house being the most suitable premises identified within that time period. The premises offer the following benefits:

- The site provides off-street parking for 43 vehicles and suitable access.
- The unit is enclosed and detached which improves safety and security and impact from other sources.
- Access to the unit is provided at both the front and the rear.
- As the building is large, open plan and has generous floor to ceiling height the installation of quality soft play equipment can be achieved.
- Suitable office accommodation is provided.
- Separate rooms are available and can be used for private for parties.
- Potentially there is a large catchment where there are at present no other local indoor soft play facilities.

The applicants anticipate providing employment for 3 full-time and up to 17 part-time staff.

## 6.6 Transport/parking and impact on adjoining uses

The application site has a large area of secure parking within its own site. The proposed use has the potential to generate a large amount of traffic but at times of the day which should not conflict with that of adjoining industrial occupiers. It is therefore suitable to be sited within an industrial estate in terms of traffic generation. It could be argued that a children's play facility is not ideal within this estate given the adjoining uses, but it is relevant that there is a safe access to the premises from within the car park and that school children use this part of Ashley Crescent to access the newly built Mayfield Academy. It is also noteworthy that the Environmental Health Team (Pollution and Safety) are satisfied that customers and staff will not be put at undue risk as a result of the proposal.

## **7.0 Summary**

7.1 Officers consider the long-term loss of industrial /warehouse floor area to be unacceptable. However, given the current economic climate and presumption in favour of development, temporary permission for use of the unit outside of the designation of uses is judged to be acceptable. The marketing information provided with the application is deemed satisfactory. A temporary use of 6 years to reflect the length of the lease of the premises is considered to be acceptable.

## **8.0 Conclusion**

8.1 It is judged that the positive aspects (job creation, economic benefit and reintroduction of a use to the site) out weigh the negative and accordingly the application is supported.

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

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

**MP for 15/01/2013 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Change of use**

This permission is for a limited period and the use hereby approved shall be discontinued by 31 January 2019.

Reason:

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that it is not considered an appropriate permanent use for the premises in view of the Policy allocation REI 10(i) of the City of Southampton Local Plan (March 2006).

#### **02. APPROVAL CONDITION - Sightlines [Performance condition]**

Within the frontage area physical structures, including signage and boundary treatment shall not exceed 600mm in height.

Reason

To safeguard the visibility of vehicular drivers and pedestrians whilst entering and exiting the site in the interests of highways safety and to maintain acceptable sightlines.

#### **03. APPROVAL CONDITION - Cycle Storage Facilities [Pre-Occupation Condition]**

Prior to the first occupation of the hereby approved development cycle storage facilities shall be constructed which ensure that cycles can be secured on site for at least 10 cycles to the front of the building for the use of visitors/customers. In addition storage facilities for at least two cycles shall also be provided for use by employees. Such facilities as approved shall be permanently retained for that purpose and shall enable cycles to be locked and covered/sheltered from the environment.

Reason:

To encourage cycling as an alternative form of transport.

**04. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]**

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall be retained for that purpose. The refuse area shall be designated and agreed close to the access to ensure ease of collection, and negate the need for refuse vehicles to reverse into the site.

Reason:

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

**05. APPROVAL CONDITION - Hours of Operation. [Performance Condition]**

The premises to which this permission relates shall only be open to customers between the hours of 09.00 to 18.00 Monday to Sunday, unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

**06. APPROVAL CONDITION - Contamination Remedial Action**

If during development, any significant evidence of contamination is observed then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, an assessment of the risks and a Method Statement detailing how this contamination shall be dealt with.

Reason:

To identify unacceptable risks to human health and the environment and ensure remediation of the site is to an appropriate standard

**07. APPROVAL CONDITION - On site vehicular parking [Pre-Occupation Condition]**

The approved parking spaces shall be provided in accordance with the approved plans prior to the first use of the building as a children's indoor play area. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced.

**08. 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.



**09. APPROVAL CONDITION - Change of Use, Scope and Limitation within same Class [Performance condition]**

The premises shall be used as a children's indoor play area and for no other purpose including any other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amending order.

Reason:

In recognition of the surrounding land uses and policy designation; and to ensure that the site has the potential to contribute towards the regeneration of the city's economy.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS19	Car & Cycle Parking
CS24	Access to Jobs

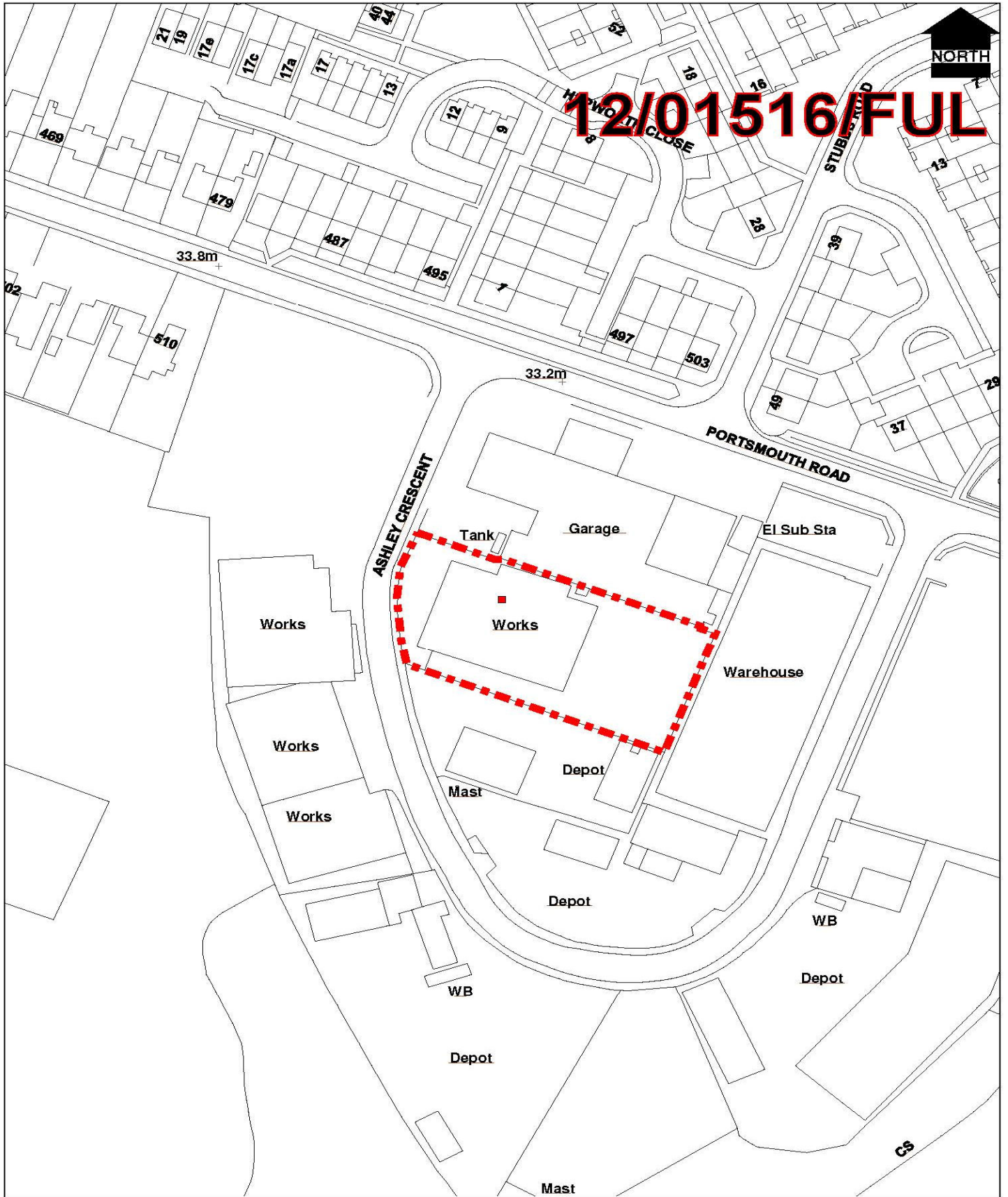
City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP16	Noise
REI10	Industry and Warehousing

Supplementary Planning Guidance  
Parking Standards (September 2011)

Other Relevant Guidance

NPPF	National Planning Policy Framework
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Date :04 January 2013

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# Agenda Item 12

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 15 January 2013  
Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Part of Former New College Site, The Avenue SO17 1XJ			
<b>Proposed development:</b> Redevelopment of the site, erection of 12 three-storey 4 bedroom houses and a five-storey block of 35 flats (20 studios, 9 x one-bedroom and 6 x two-bedroom) with associated access, parking and landscaping.			
<b>Application number</b>	12/01522/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>	18.01.2013	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Barnes-Andrews Cllr Burke Cllr Rayment

<b>Applicant:</b> Linden Ltd (Trading As Linden Homes Southern)	<b>Agent:</b> Luken Beck (Mr Robin Reay)
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Appendix attached</b>			
1	Development Plan Policies		

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application constitutes a departure from Policy MSA 13 of the Local Plan but the Council is satisfied that sufficient evidence has been provided to prove that an office use is not viable on this site. The Council is also satisfied that the arrangements for affordable housing and family housing provision are satisfactory in the circumstances of this case. Overall, the character and appearance of The Avenue Conservation Area would be preserved as would the setting of the adjacent Listed ST. Edmunds Church. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP13, SDP16, NE6, HE1, HE3, HE6, CLT5, CLT6, H1, H2, H3, H7, TI2 and MSA13 of the City of Southampton Local Plan Review (March 2006) and Policies CS4, CS5, CS6, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

## **Recommendation in Full**

- 1) 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 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Financial contributions towards the open space improvements required by the development in line with Policies CLT5 and 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. Submission and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy Policies CS24 and CS25.
  - vi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- 2) In the event that the legal agreement is not completed by 18.01.2013 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- 3) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

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

- 1.1 The application site, some 0.53 hectares in area, is vacant and cleared of buildings and is situated on the western side of The Avenue just north of Rockstone Place. The site is within The Avenue Conservation Area and there is a belt of mature trees along The Avenue frontage of the site.
- 1.2 The site was formerly part of the New College annexe, the majority of which has been redeveloped for residential purposes and known as 'Park Centrale'. Immediately adjoining to the north and west are 5-storey blocks of flats, Hadleigh Place and Oxford Place, and two original Victorian villas at 80 The Avenue and 2 Archers Road which have been converted into flats. Adjoining to the south is St Edmund's Church which is a Grade II Listed Building and a single-storey building used as the Church office with 2-storey houses at Burlington Place and listed residential properties beyond on Rockstone Place. To the west is a large area of communal open space serving the 'Park Centrale' development.
- 1.3 There is an existing two-way vehicular access to the site from The Avenue

between the southern edge of the site and the Church. This access also serves the adjoining Church office and the dwellings in Rockstone Place which have car parking spaces at the rear. There is a further pedestrian access from The Avenue to the north of the application site. There are two vehicular access points from Archers Road which serve the remainder of the Park Centrale site.

## **2.0 Proposal**

- 2.1 The current application proposes redevelopment of the site in two parts: the erection of 12 three-storey houses on The Avenue frontage of the site; and a 5-storey block of 35 flats (20 studios, 9 x one-bedroom and 6 x two bedroom) to the rear of the site fronting the communal green space. The proposed houses would be in terraces of three and would all be 4 bedrooms. The density of the scheme would be 88 dwellings per hectare.
- 2.2 The car parking for the flats would be accessed from The Avenue using the existing access point adjoining the church. There would be underground cycle parking and 16 car parking spaces plus 11 surface parking spaces giving a total of 27 parking spaces for the flats. 24 parking spaces would be provided for the proposed houses to the rear of Oxford Place which would be accessed from Archers Road.
- 2.3 The proposed materials would be buff/yellow brick with a slate roof to the houses and a mixture of brickwork, render and timber detailing to the flats.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

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

- 4.1 The application site was in educational use for many years, originally by the La Sainte Union College of Higher Education and later by the University of Southampton.
- 4.2 In March 2008, planning permission was granted for redevelopment of the site involving demolition of the existing buildings and erection of three buildings (3 and 4-storeys) to provide 6,510 square metres of office floorspace, with associated parking and landscaping (Reference 07/01045/FUL). This permission has now expired but was 'renewed' in March 2011 under reference number 11/00117/TIME and consequently can still be implemented until March 2014.
- 4.3 The residential accommodation on the 'Park Centrale' site comprises 196 flats and 19 houses and was granted permission in March 2008 (reference 07/01061/FUL).

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 The applicants undertook a public consultation exercise at the pre-application stage including holding a public exhibition in August of this year. Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (08.11.2012) and erecting a site notice (08.11.2012) as a Departure from the Development Plan. At the time of writing the report 5 representations have been received from surrounding residents. The following is a summary of the points raised.
- 5.2 **There is a lack of parking spaces for visitors. The proposed new development will have allocated parking spaces for the new residents but no additional allocation of parking for guests/visitors which will place additional pressure on the limited parking available.**

##### Response

The highways and car parking issues are addressed later in this report.

- 5.3 **There should be no additional vehicular use of the access to The Avenue as this is already a precarious route due to the need to cross a pedestrian and cycle path which runs alongside The Avenue. The existing route is narrow and already has sufficient traffic using it.**

##### Response

The access to/from The Avenue is a long established 'left in left out' vehicular route which previously served the educational use of the site. Due to the layout of the 'Park Centrale' development, the majority of the site is served from access points off Archers Road with only a limited number of vehicles using the access from The Avenue. There are existing bollard restrictions which prevent a through access route being formed.

- 5.4 **The proposed windows to the block of flats will overlook the rear of the properties in Rockstone Place leading to a loss of privacy.**



### Response

The distance between the proposed block of flats and the rear of the properties in Rockstone Place is some 46 metres and there are two-storey houses between the two buildings so overlooking should not be an issue

- 5.5 **Generally support the proposals but the new finishes should be of equivalent or greater quality to that of the remainder of the New College development.**

### Response

This is agreed and the choice of external materials will be covered by a condition.

- 5.6 **St Joseph's and St Edmund's Catholic Parish** - Due to the nature of the access road and the number of potential conflict points from The Avenue, the Archers Road access should be the principal vehicle access to the site including the underground car park. Without this change the development would directly affect St Edmund's Church especially at weekends. The car parking arrangements are a major concern. The car parking allocation is less than one space per dwelling for the proposed flats. This will result in random parking all over the site including parking blocking the church service area. Construction access and traffic management arrangements need to take account of the Church's activities. The bollards and lighting columns are welcomed but need to be properly detailed. The increased level of activity could result in additional anti-social activity to the rear of the church which could be overcome by replacing existing timber fencing with a metal railed fence.

### Response

The issues relating to the access from The Avenue are dealt with elsewhere in this report. The provision of additional residential accommodation should not have an adverse impact on the operation of the church given the predominantly residential nature of the surroundings. The issue of replacement fencing is not a planning consideration given that the existing timber fencing is satisfactory in planning terms.

- 5.7 **SCC Highways** - The principle of residential development here is acceptable in highway terms. The volume of traffic turning off and on to The Avenue at the access adjacent to St Edmunds Church is less than the approved office scheme which is considered beneficial from a highway perspective. There will be additional traffic movements turning into Archers Road, but this is through a formalised junction, which then gives access via the new estate roads to the remainder of this proposed development. The bollards shown in the access road are vulnerable and are unlikely to perform the purpose for which they are proposed. An alternative approach to this area is required. If left as shown without bollards it is likely to become car parking, which could restrict movement in this location with the width of carriageway available. (Note: revisions have been made to the layout and further details can be secured through a condition). Detailed changes are needed to the bin store and cycle storage arrangements which can also be covered by conditions.

- 5.8 **SCC Trees** – There is no direct conflict between the proposed dwellings and the protected trees and no objections are raised to this application. An updated Arboricultural Method Statement should be provided and could be conditioned.

- 5.9 **SCC Sustainability Team** – There is no objection, subject to conditions, as the baseline surface water run off requirements will be covered by the Code; however, there is concern that a more comprehensive Sustainable Drainage System has not been integrated with the plan at this stage to produce a more effective and future proofed system.
- 5.10 **SCC Planning Policy** – Planning Policy is satisfied that a sufficient period of marketing has taken place for this element of the New College site. This has demonstrated a lack of viability for the previous office permission, and Planning Policy raises no objection to the principle of residential development as submitted, the inclusion of family homes being especially welcomed.
- 5.11 **SCC Environmental Health (Pollution & Safety)** - No objections, recommend conditions.
- 5.12 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent. Therefore, to ensure compliance with Policies SDP1 and SDP22 of the Local Plan this department would recommend that the site be assessed for land contamination risks or assume that land contamination exists and take a precautionary approach. Consequently conditions are recommended.
- 5.13 **SCC Ecology** – The application site is currently cleared ground and as such has negligible biodiversity value. Development of this area will not therefore have any direct impacts on local biodiversity and consequently there is no objection. Adjacent to the application site is a line of mature trees. These trees are to be retained, however, as bat boxes have previously been placed in a number of them, care should be taken to avoid direct illumination of the canopies. It is proposed to add further bat boxes, which is an appropriate biodiversity enhancement measure.
- 5.14 **SCC Archaeology** – Due to the archaeological potential of the site a programme of archaeological work will be required in advance of the development. No objections to the proposal subject to conditions.
- 5.15 **SCC Conservation** - No objections, this is the last remaining parcel of land within the site to be developed and therefore the impact of any development is largely minimised by the earlier phases. The site is screened by a 2 metre high wall as well as the existing trees. This screening, together with the distance back from The Avenue, will mitigate any impact the development would have on the character and appearance of The Avenue Conservation Area.
- 5.16 **SCC Housing** – As the scheme comprises 47 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 16 dwellings. In this case provision will be sought on site and as per the pre-application discussions we are happy to have 8 x 4 bedroom houses as the affordable element and to calculate on a 35% of habitable rooms basis. Planning conditions

and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

#### 5.17 **SCC City Design Team –**

- 5.17.1 The proposal sits well in the context created by the recently completed development of the former New College site. The houses help to recreate a frontage to the Avenue, although set back behind a screen of mature trees, and the proposed apartment block provides enclosure to the large open space at the heart of the wider development site.
- 5.17.2 Permeability is good with pedestrian access retained to the north of the site with some natural surveillance provided by the northern most house. Access to the rear of Hadleigh Place and Oxford Place is restricted, being limited to access to the underground car park provided by the proposal and gated pedestrian access to the surface level car park above this to the north of the new apartment block.
- 5.17.3 The scale of the terraces of houses sits comfortably with the scale of other existing development, including the villas, that front on to the Avenue. Despite being 3 storeys in height they are similar in height to the existing two storey villas.
- 5.17.4 The proposed apartment block of 5 storeys is of a similar height to the previous approved commercial scheme and a similar height to the adjoining 5 storey apartment blocks of Hadleigh Place and Oxford Place. Although this is a 'tall building' under Local Plan policy SDP 9 it sits well within the context of the recently completed adjacent apartment blocks. Although the gable features are a slightly steeper pitch than the traditional villa roofs they create a strong character which will complement the existing character of the Avenue. The proposed apartment block has a similar form and appearance to the recently completed blocks that frame the edge of the existing open space.
- 5.17.5 The use of buff bricks, similar to the original buff/yellow stock bricks characteristic of the development along the Avenue, is supported, as is the slate roofing material for the proposed houses. The use of brick, render and timber is proposed for the apartment block, however it is advised that a resin based timber boarding product may be preferable to ensure that unsightly weathering of a natural timber product does not occur.

5.18 **City of Southampton Society - No objections to the development.**

#### **6.0 Planning Consideration Key Issues**

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

- The principle of this form of development
- Design issues including the impact on heritage assets
- Transport and parking issues
- Impact on residential amenity
- Trees and sustainability

## 6.2 Principle of Development

- 6.2.1 The whole of the former New College site was allocated in the Local Plan, under site allocation Policy MSA 13, for a mixed use development to include: Hampshire Police Constabulary operational/support and custody facilities along The Avenue frontage of the site; residential, to include a range of housing types; and a new science block accommodation for St Anne's Convent School.
- 6.2.2 The policy states that offices (Class B1) will be permitted on The Avenue frontage should the police requirements cease. The policy requirement for science block accommodation for the school has been provided elsewhere on the former New College site. The reference in the policy to new facilities for Hampshire Police on the application site has been overtaken by events and the new HQ has been provided at Southern Road. Consequently, permission was granted for office use in accordance with the policy in 2008 and subsequently renewed in 2011.
- 6.2.3 The current application is as a result of a lack of interest in the site for office purposes. The applicant has submitted evidence that the site has been extensively marketed for office purposes but without success. It would not seem to be reasonable to hold out for a possible office use coming forward particularly as there are numerous other sites in the city centre with potential for office use which are situated closer to the railway station. In these circumstances it would seem to be reasonable to consider a further residential scheme to complete the development of this large site.
- 6.2.4 The application proposes a mix of large family houses, studios, one and two bedroom flats. Policy CS15 of the Core Strategy requires the provision of 35% affordable housing for developments of 15 dwellings or more.
- 6.2.5 On this site the standard affordable provision would equate to 16 units. However, the approach which has been agreed with the Housing Enabling Team (see comments in paragraph 5.16 of this report) is for 8 of the 4 bedroom houses to be the affordable housing provision in this case. Although this equates to only 17% of the total development by dwellings it provides 38% of the development when calculated by habitable rooms.
- 6.2.6 In view of the number of small units within the scheme the provision of affordable housing in this way will meet a clear priority need by providing 8 of the large houses as affordable units. Although a range of unit sizes is provided, the level of family sized dwellings falls below the 30% provision sought by Policy CS16. By dwelling numbers, the proposed houses equate to 26% of the total development, although by habitable room calculation the family provision is equivalent to 56% of the total development.
- 6.2.7 Due to the layout of the site it would not be practical to include additional family sized units. In these circumstances it is considered that the policies relating to affordable housing and mix of dwellings have been satisfactorily addressed.
- 6.2.8 In terms of amenity space provision, the garden sizes for the proposed houses is slightly less than the guidance in the Residential Design Guide and the private space for the flats is mainly in the form of balconies. However, this site is very close to the city centre where the prevailing character is of high density developments with smaller gardens than would be provided in a more suburban

location. The properties would also have use of the large area of communal amenity space which serves the rest of the 'Park Centrale' development. In these circumstances, the amenity space arrangements are considered to be acceptable.

### 6.3 Design Issues

- 6.3.1 Members' attention is drawn to the detailed comments of the Council's City Design Manager in section 5.17 of this report.
- 6.3.2 The application site is within The Avenue Conservation Area and directly adjoins the listed buildings of St Edmund's Church and in Rockstone Place. In considering this application, special attention should be paid to the impact on the character and appearance of the conservation area and the setting of these listed buildings. The application should be judged against the current policy background and the Conservation Area character appraisal which was published in 1997.
- 6.3.3 This appraisal states: 'the character of the Conservation Area is strongly influenced by the roadside trees from which The Avenue takes its name. Whilst there are no specific focal points in the Conservation Area, the main vista (when looking from north to south) is formed by the trees and line of adjacent buildings which produce a harmonious and consistent character'. The appraisal divides the Conservation Area into three distinct areas. The application site is within the western side of The Avenue which is identified as having developed from the 1870's onwards in a different style and is less harmonious than the east having experienced more change.
- 6.3.4 The previous permissions on this site were for office buildings in a contemporary design solution. Although this approach was considered to be acceptable there is no doubt that the current application which proposes 3-storey houses on The Avenue frontage is more in keeping with the character and appearance of the Conservation Area than the previous office development. The use of terraced houses with gaps between them will be a clear reference to the original detached Victorian villas in this part of The Avenue. Overall, the character and appearance of The Avenue Conservation Area would be preserved as a result of this development.
- 6.3.5 The setting of the listed St. Edmunds Church is also an important consideration. The proposed new buildings retain a significant separation from the Church and the frontage houses are of smaller scale than either the office development or the former education buildings on the site. The Church, due to its scale, design and siting close to the back edge of the pavement would remain the dominant feature of the area and its setting as a listed building would be retained.

### 6.4 Transport and parking issues

- 6.4.1 The site is close to the city centre facilities and is well served by public transport making it a good location for further residential development. Vehicular access to the site is from The Avenue using a long established access. Although this access is two way it is a 'left in and left out' arrangement which limits problems associated with highway safety. This development would result in fewer car parking spaces using this access point than was the case with the previous approval for offices (27 compared with 31 in addition to the existing 9 spaces which serve the Rockstone Place properties).

6.4.2 In terms of overall car parking provision 51 spaces are provided for 47 dwellings which is considered to be acceptable in this location. Residents concerns about the lack of visitor parking are understandable but it is not a requirement to provide additional spaces for visitors. The site layout has been amended to take account of highways officers' comments relating to refuse storage and car parking.

## 6.5 Impact on residential amenity

6.5.1 As this application proposes houses on The Avenue frontage in place of a large scale office building there would be less impact on the amenities of the neighbours adjoining to the north of the site. The neighbours most affected by the proposed block of flats are the residents of Oxford Place which directly adjoins to the west.

6.5.2 There is only a 5 metre separation between these two 5-storey buildings and consequently there would be some impact in terms of light and outlook to existing windows in the flank wall. These adjoining windows, three on each of the four main floors of the building are a secondary window to a living room, a bedroom window and an obscured glazed bathroom window at the rear.

6.5.3 There would be a loss of light to the adjoining bedroom windows, but it should be noted that the previous office building was the same footprint and position on the site and therefore a similar impact would have resulted had that approved scheme been implemented. The privacy between the two buildings can be safeguarded by obscure glazed windows which can be secured by a condition.

6.5.4 To the south of the application site is a pair of semi-detached houses known as Burlington Place, 85 and 86 The Avenue. These two houses were part of the 'Park Centrale' development and were designed in recognition of the approved office development. Consequently, they have their main habitable room windows facing to the side and rear.

6.5.5 The proposed block of flats has a separation distance of about 15 metres which was the same as the approved office building. As the block of flats is on the north side of these houses there will be no loss of sunlight or overshadowing. Direct overlooking of the houses will be minimised by the inclusion of obscure glazed details which can be secured by condition.

6.5.6 The adjoining church and their office consider that the development would impact on their activities but it is difficult to see how a residential use would be less compatible with their operation than the previous office proposal.

## 6.7 Trees and sustainability issues

6.7.1 There are a substantial number of mature trees on the site especially along The Avenue frontage. These existing trees create a mature, established character to the site and their retention is a key part of the development proposals. The Council's Tree Officer has raised no objection to the proposal.

6.7.2 As part of the applicants landscape strategy plan, substantial new tree planting is proposed to strengthen the tree cover on the site so that the development

remains 'green and leafy' in the long-term. The policy requirement of retaining the mature landscaped boundary along The Avenue would be met. The development will be built to Code 4 and this can be secured by a condition.

## **7.0 Summary**

7.1 The application site is part of a historic mixed use policy allocation which has partly been overtaken by events. There has been insufficient interest in an office development to justify keeping the site vacant and a further residential development will allow the New College site to be completed in a way which will preserve the character and appearance of the conservation area and safeguard the setting of adjoining listed buildings. Other transport and amenity issues are considered to be acceptable subject to conditions.

## **8. Conclusion**

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(g), 4(aa), 4(vv), 6(c), 7(a), 8(a), 9(a), 9(b).

#### **RP2 for 15/01/2013 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- 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.

**05. 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.

**06. 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.

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

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

duration of the demolition and development works on site. The Method Statement will include the following:

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

Reason

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

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

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

Reason:

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

**09. 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.

**10. 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.

#### **11. 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.

#### **12. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]**

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

Reason:

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

#### **13. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)**

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

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

#### **14. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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).

**15. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

**REASON:**

To ensure the development has minimised 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).

**16. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]**

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from The Avenue has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify either:- Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

**Reason:**

In order to protect occupiers of the flats from traffic noise.

**17. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

**Reason:**

To ensure satisfactory drainage provision for the area.

**18. APPROVAL CONDITION - Road Construction [Pre-Commencement Condition]**

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

- A specification of the type of construction proposed for the roads, cycleways and

footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.

- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

Reason:

To ensure that the roads [cycleways] and footpaths are constructed in accordance with standards required by the Highway Authority.

**19. APPROVAL CONDITION - Vehicular access design (Pre-Commencement Condition)**

Notwithstanding what is shown on the approved drawings, the detailed design treatment of the vehicular access from The Avenue adjoining the church premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason

To ensure satisfactory treatment of this area in the interests of vehicular and pedestrian safety.

**20. APPROVAL CONDITION - No gates across access road (Performance Condition)**

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 across the access road serving the development.

Reason

To ensure pedestrian access through the site is maintained.

**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 - Car Parking Allocation (Performance Condition)**

A minimum of one car parking space, as shown on the approved plans, shall be allocated and made available to each of the one bedroom and two bedroom flats and each of the houses hereby approved.

Reason

To ensure that the larger dwellings have a reasonable provision of parking spaces

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

Before the building is first occupied full details of facilities to be provided for the storage

and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

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

**24. APPROVAL CONDITION - Cycle storage [Pre-Occupation Condition]**

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

Reason:

To encourage cycling as an alternative form of transport.

**25. APPROVAL CONDITION - No other windows or doors other than approved in specific location [Performance Condition]**

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) in relation to the development hereby permitted, no alternative or additional windows (including roof windows or dormer windows), doors or other openings other than those expressly authorised by this permission shall be constructed on the northern or southern elevations of the block of flats hereby approved other than those shown on the drawings hereby granted consent without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenity and privacy of the adjacent property.

**26. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]**

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

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

**27. 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.

**28. APPROVAL CONDITION - Balcony Screens (Pre-Occupation Condition)**

The north facing balconies to the block of flats hereby approved shall have privacy screens

installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority before the flats to which the balcony relates is first occupied. The approved privacy screens shall be retained thereafter.

Reason

To protect the amenities of neighbours.

**29. APPROVAL CONDITION - Obscure glazing (Performance Condition)**

The windows to the north and south elevations of the block of flats hereby approved, shown as being obscured glass, shall be glazed in obscured glass before the flats to which the windows relate are first occupied and shall be permanently retained as such thereafter.

Reason

To protect the amenities of neighbouring occupiers.

**30. 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)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
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
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
NE6	Protection / Improvement of Character
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
CLT6	Provision of Children's Play Areas
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment
T12	Vehicular Access
MSA1	City Centre Design
MSA13	New College Site, The Avenue

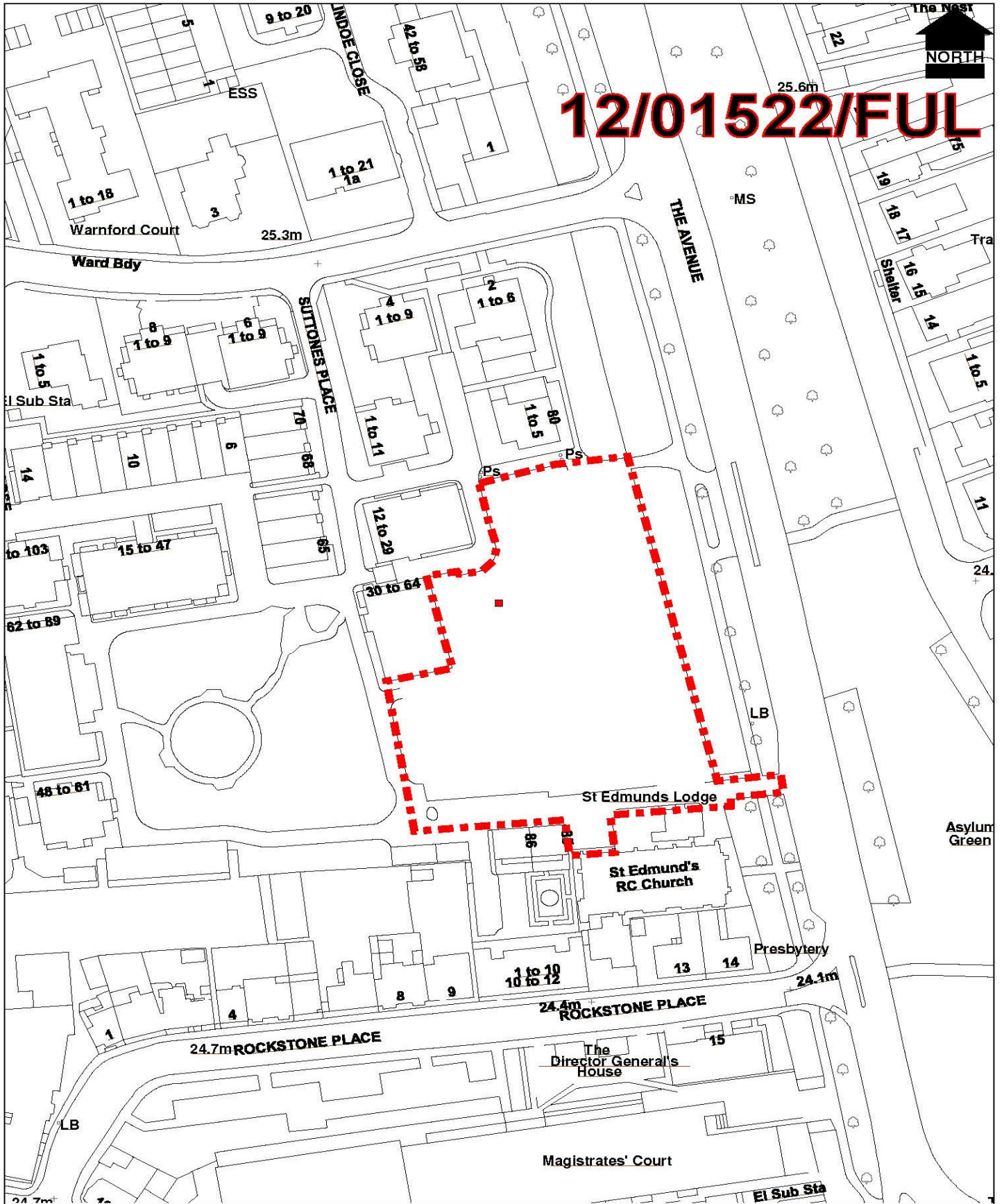


Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards SPG (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



**12/01522/FUL**

Scale : 1:1250

Date :04 January 2013

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# Agenda Item 13

<b>DECISION-MAKER:</b>	PLANNING AND RIGHTS OF WAY PANEL		
<b>SUBJECT:</b>	REMOVAL OF 7 TREES IN VOKES MEMORIAL GARDENS PLATFORM ROAD TO ALLOW HIGHWAY IMPROVEMENTS		
<b>DATE OF DECISION:</b>	15 JANUARY 2013		
<b>REPORT OF:</b>	SENIOR MANAGER - CITY SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Nik Gruber</b>	<b>Tel:</b> <b>023 8083 4028</b>
	<b>E-mail:</b>	<b>Nik.gruber@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Dawn Baxendale</b>	<b>Tel:</b> <b>023 8083</b>
	<b>E-mail:</b>	<b>Dawn.baxendale@southampton.gov.uk</b>	

## STATEMENT OF CONFIDENTIALITY

None.

## BRIEF SUMMARY

The proposed highway improvement 'Platform for Prosperity' works on Platform Road between the junction of Town Quay/ High Street to the junction of Platform Road/Terminus Terrace to provide dualling of the carriageway in both directions will require the removal of 7 trees. A minimum of 14 new London Plane trees will be planted in replacement.

## RECOMMENDATIONS:

- (i) To allow the removal of seven trees to enable the highway improvement works;
- (ii) To provide 14 new London Plane trees. Replacement tree size and specific planting location and layout to be agreed with a Senior Tree Officer

## REASONS FOR REPORT RECOMMENDATIONS

1. If the seven trees are retained they will prohibit the design for the road improvement scheme from being implemented and ultimately the road scheme could not be delivered.
2. The removal of the seven trees and their replacement with 14 London Planes will result in a more coherent and pleasing design and layout - being planted to the south of the new carriageway within the new replacement park land, which is also being delivered as part of the road project. The layout will replicate the existing avenue of London Plane trees in Queens Park on the north side of the carriageway.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The safe retention of the seven trees would require the existing highway design to be aborted as the carriageway is to be widened on the southern side to provide additional lanes. The seven trees are located within the alignment of the new carriageway lanes, thus obstructing any new road

layout.

4. Widening the carriageway on the northern side of Platform Road would require the loss of No19 Mature London Planes subject to a TPO and the loss of Common Land (Queens Park). This has a significantly greater impact compared to the proposed tree loss.

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

5. The *Platform for Prosperity* scheme will implement a new dual carriageway route along a widened alignment of Platform Road from the Town Quay/High Street junction through to Canute Road and Terminus Terrace. This will allow the existing gyratory system around the western and northern sides of Queen's Park to be downgraded to a local access route and the eastern section of Queen's Terrace to be closed as a through route
6. The improvement scheme will be carried out in a series of phases. The first phase is due to start in April 2013, with the diversion of the existing utilities. Prior to this Phase of work, the seven trees and a hedgerow within Vokes Memorial Gardens need to be removed before bird nesting season, to enable access from April 2013.
7. The seven trees with Vokes Memorial Gardens range in age and variety.  
One – Silver Maple  
One Purple Norway Maple  
One Norway Maple  
Three – Rowan  
One Sycamore.
8. These seven trees are randomly spaced and placed within Vokes Memorial Gardens.  
  
The Maples are in alignment with each other at the back edge of the footway, well established within the triangle island of parkland that forms part of Vokes Memorial Gardens. The Silver Maple is in close proximity to the vehicle entrance to Triangle car park. The Norway Maples are located either side of the vehicle entrance to the ABP Pan Handle car park.  
  
The Rowans are all located within the hedgerow which separates Vokes Memorial Gardens and the ABP Pan Handle Car Park.  
  
The Sycamore is located on the eastern boundary of Vokes Memorial Gardens in close proximity to the footway leading into Dock Gate 4.
9. It is intended that replacement trees will be planted within the final phase of works along the northern boundary of the new park land (replacement Vokes Memorial Gardens) when the replacement park is laid out and landscaped.
10. External Consultation has been conducted regarding the Prosperity for platform Road project, comprising four elements, a leaflet, 3 day exhibition and a site walk –over with Open Space Groups & Societies and an interactive webpage.
11. Consultation was undertaken with the Open Space groups and societies,

(SCAPPS, City of Southampton, & The Open Space Society) in February 2012, including a site walk over to discuss in outline terms the design and the proposals for the loss of trees as a direct result of the road widening and the outline design for their replacement.

12. At the end of May 2012 a three day public exhibition was held, inviting comments and feed back regarding the overall project and the road design. 83 people attended the open days. A leaflet was produced for the exhibition which was also published on the Councils website.
13. Internal consultation has taken place with Platform for Prosperity Project Board, finance, legal and the Parks and Open Spaces teams, regarding the need to remove the trees and to provide replacement trees.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

14. All works are being funded from the Platform for Prosperity budget previously approved by Cabinet.

### **Property/Other**

15. The replacement park in which the replacement trees will be planted will be within the ownership of the City Council.

## **LEGAL IMPLICATIONS**

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

16. In accordance with the Constitution any decision relating to council trees, unless delegated, will be determined by the Planning Panel.

### **Other Legal Implications:**

17. The trees are not subject to Tree Preservation Orders.
18. Platform Road lies within the Canute Road Conservation Area and the removal of any trees is subject to the Town & Country Planning Act 1990. Under section 211 of this Act anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the Local Planning Authority six weeks' notice (a "section 211 notice").

## **POLICY FRAMEWORK IMPLICATIONS**

19. None.

**KEY DECISION?** No

**WARDS/COMMUNITIES AFFECTED:**

Bargate

## SUPPORTING DOCUMENTATION

### Appendices

1.	Location Plan V3415
2.	Platform for Prosperity Road Improvement: Arboricultural report
3.	Platform for Prosperity Road Design

### Documents In Members' Rooms

1.	None
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### Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes/No
--	--------

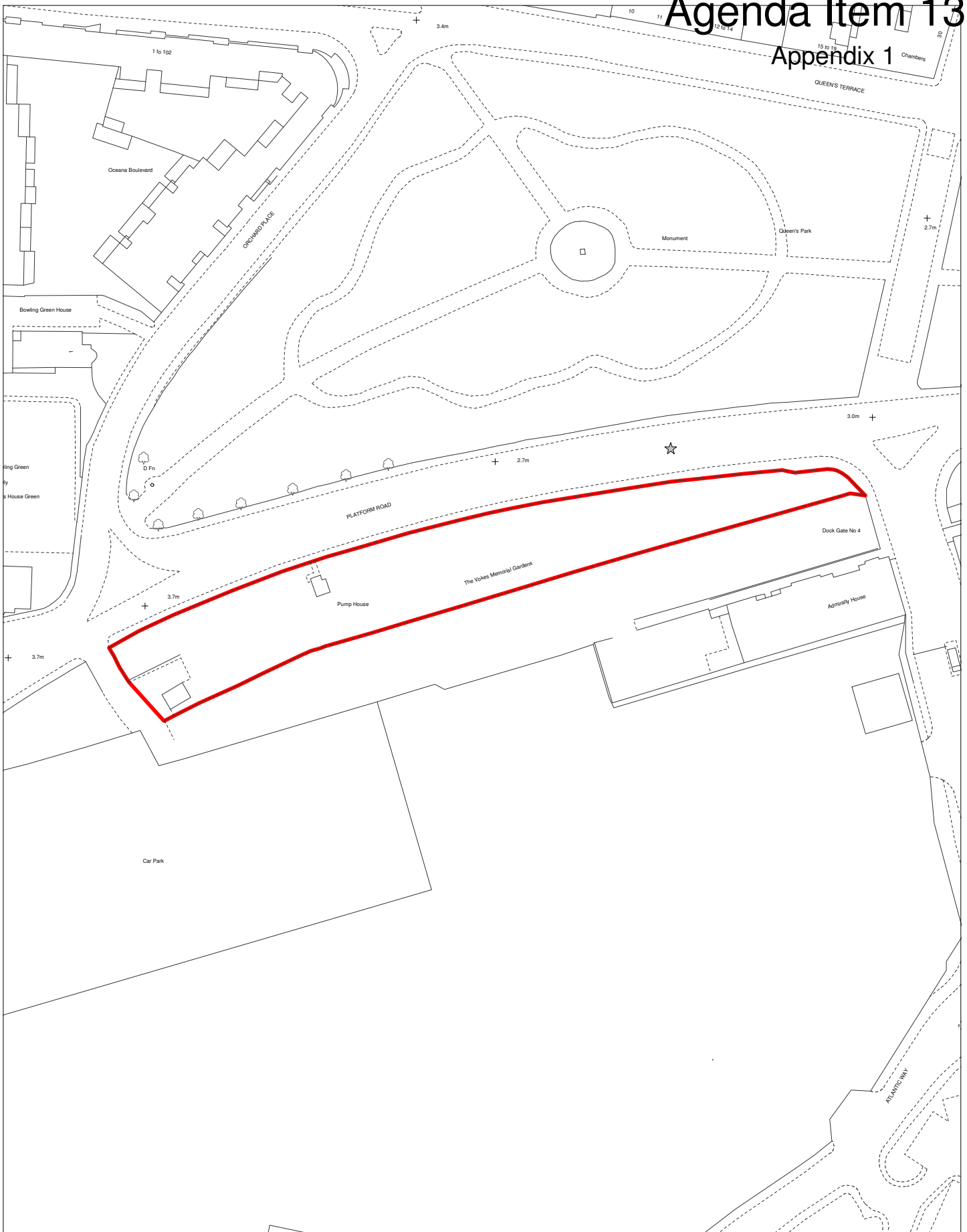
### Other Background Documents

#### Equality Impact Assessment and Other Background documents available for inspection at:

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	
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**PROPERTY SERVICES**  
 SOUTHAMPTON CITY COUNCIL  
 ONE GUILDHALL SQUARE, ABOVE BAR,  
 SOUTHAMPTON, SO14 7FP.

SCALE (1:)  
 1250

DATE  
 17.12.2012

PLAN NO  
 V3415

TITLE  
 Vokes Memorial Gardens  
 Platform Road



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## Platform for Prosperity Road Improvement

Arboricultural Report

August 2012  
Southampton City Council



# Platform for Prosperity Road Improvement









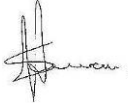
Arboricultural Report

August 2012

Southampton City Council



# Issue and Revision Record

Revision	Date	Originator	Checker	Approver	Description
A	5.07.12	R.Lennon	C.Uden	G Hewson	For Issue
					
B	27.07.12	R.Lennon	C.Uden	G Hewson	For Issue
					
C	02.08.12	R.Lennon	C.Uden	G Hewson	For Issue
					

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# Content

<b>Chapter</b>	<b>Title</b>	<b>Page</b>
	Executive Summary	1
<b>1.</b>	<b>Introduction</b>	<b>3</b>
1.1	Terms of Reference _____	3
1.1.1	Platform for Prosperity _____	3
1.2	Scope of Work and Methodology _____	4
1.3	Limitations of Survey _____	5
<b>2.</b>	<b>Tree Summary</b>	<b>6</b>
2.1	Site Description _____	6
2.2	Tree Overview _____	6
<b>3.</b>	<b>Implications for Proposal</b>	<b>8</b>
3.1	Risk to trees from general construction activities _____	8
3.2	Protection of Root Protection Area (RPA) _____	8
3.3	Tree Protection Orders (TPO) and Conservation Areas (CA) _____	9
3.4	Proposed actions for the trees associated with the scheme _____	9
3.5	Mitigation for Tree Loss _____	10
<b>4.</b>	<b>Recommendations – preventing damage to retained trees.</b>	<b>11</b>
4.1	Tree protection during construction _____	11
4.2	Tree Works _____	11
4.3	Storage of Materials _____	11
4.4	Contractor’s Compliance _____	11
4.5	Arboricultural Inspection _____	11
<b>5.</b>	<b>Conclusion</b>	<b>12</b>
 <b>Appendices</b>		
Appendix A.	Drawings _____	1
A.1.	Scheme Extents Location Plan _____	1
A.2.	Tree Constraints Plan _____	2
A.3.	Tree Protection Plan _____	3
Appendix B.	Key to Tree Survey Schedule _____	4
Appendix C.	Tree Survey Schedule _____	5
Appendix D.	Root Protection Area _____	6
Appendix E.	TPO and CA information _____	7
E.1.	TPO information _____	7
E.2.	Conservation Area information _____	7
Appendix F.	Glossary _____	8
Appendix G.	References _____	9

# Executive Summary

## **S1 Overview and Terms of Reference**

Mott MacDonald Ltd has been commissioned by Southampton City Council (SCC) to undertake an Arboricultural Survey to inform the proposed Platform for Prosperity Road Improvement Scheme. The works will create a two way dual carriageway along Platform Road, with the existing road widened and extended towards the port by up to 8 to 10 metres.

The survey and associated report has been undertaken in accordance with *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*. This British Standard is intended to assist decision making with regard to existing and proposed trees in the context of design, demolition and construction.

This survey is not, nor should be taken to be, a full or thorough assessment of the health and safety of trees on or adjacent to the site, and therefore it recommended that detailed tree inspections are undertaken on a regular basis with the express purpose of complying with the land owners' duty of care and satisfying health and safety requirements.

## **S2 Designations**

Southampton City Council has confirmed that there are a number of Conservation Areas that the scheme falls within or is adjacent to including Canute Road; Oxford Street, Old Town South and Old Town West Conservation Areas. Conservation Area status requires notification of proposed tree works to be issued to the Local Authority for approval. No trees affected by the Scheme are subject to Tree Preservation Orders (TPOs).

## **S3 Trees affected by scheme**

The trees likely to be affected by the proposed Scheme have been assessed for their physiological and structural condition, and given a retention category in accordance with Table 1 – Cascade Chart for Tree Quality Assessment, *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*.

Twelve individual trees were surveyed in relation to the Scheme. Of these trees:

- 3 trees have been assessed as Grade A i.e. trees of high quality and value;
- 4 individual trees as Grade B i.e. trees of moderate quality and value;
- 4 individual trees as Grade C i.e. trees of low quality and value; and,



- 1 individual tree as Grade U i.e. trees for removal on the basis of sound arboricultural management.

Eight trees (T5, T6, T7, T8, T9, T10, T11 and T12) will need to be removed to facilitate construction of the scheme. The trees for removal comprise three category B trees, four category C trees and one category U tree. There is also a possibility that T4 will be removed on Cultural Heritage grounds. This is yet to be confirmed Southampton City Council.

Three trees (T1, T2 and T3) will require minor pruning works to provide the appropriate vertical clearance of 5.2m over the carriageway.

#### **S4 Protected Species**

There is potential for nesting birds and bats in the vegetation on site, and appropriate checks should be carried out prior to commencement of works. All tree works must be undertaken in accordance with the Platform Road Bat Survey report (Mott MacDonald, June 2012).

#### **S5 Protective Barriers**

No recommendations have been made to install protective barriers during the construction works. However, all works must proceed in accordance with Section 4 of this report.

#### **S6 Completion of Construction**

Directly following the completion of the Scheme, an Arboriculturalist should be commissioned to look for any accidental damage and/or signs of intolerance to the change in conditions relating to retained trees within the site as a result of this development.

#### **S7 Tree Planting**

Initial recommendations for mitigation tree planting have been detailed within Section 3.5.

# 1. Introduction

## 1.1 Terms of Reference

Mott MacDonald has been commissioned to undertake an Arboricultural Survey to support the Platform for Prosperity Road Improvement Scheme as outlined below. The survey and associated report has been undertaken in accordance with *BS 5837:2012 Trees in Relation to design, demolition and construction – Recommendations*.

The Scheme comprises two elements, Platform for Prosperity and Town Quay (refer to Appendix A Figure 1.1 for location plan).

### 1.1.1 Platform for Prosperity

The Scheme primarily aims to reduce congestion along Town Quay, Platform Road and the surrounding network for the benefit of local businesses, residents and visitors. Its implementation provides the additional benefit of improved connectivity and public use of Queen's Park.

The proposed Scheme entails removing the eastbound gyratory around Queen's Park, which is adjacent to Dock Gate 4 and extending the two way section of dual carriageway at Town Quay, opposite the Platform Tavern Public House, and eastwards along Platform Road to the Terminus Terrace junction. The access from the east end of Queen's Terrace to Terminus Terrace would be closed at this intersection, with three new signalised junctions created at the Platform Road junctions with Queen's Terrace, Dock Gate 4 and Terminus Terrace / Canute Road.

To permit the formation of a two way dual carriageway along Platform Road, its southern kerb line would be moved closer to the adjacent port by up to 8 to 10 metres. The northern kerb line running along the boundary with Queen's Park would move slightly south to enable the footway to be widened at this location.

Works to Terminal Terrace would include carriageway resurfacing, curb realignment, new traffic islands and a signalised junction. The signalised junction would allow traffic to access Central Bridge from Terminus Terrace, providing an alternative route to the Itchen Bridge for eastbound traffic. Low key improvement works would be undertaken along Town Quay to include the review of traffic islands and kerb alignments, all to be contained within the carriageway.

The southern end of Latimer Street, which currently cuts through Queens Park, would be re-established as park land, with the paved area narrowed into a shared footway and cycleway. Once the access from Queens Terrace to Terminus Terrace has been closed, additional public realm improvements would be undertaken within this area to improve the connectivity between Queens Park and the area to the north such as Oxford Street.

New parking spaces would be provided along the south side of Queen's Terrace to replace spaces that would be removed as part of the Scheme to the south of Platform Road, and from within the car park to the east of Queen's Park.

## 1.2 Scope of Work and Methodology

The survey was carried out by a Mott MacDonald qualified Arboriculturalist, on Wednesday 9<sup>th</sup> May 2012 to assess the quality and value of the principal trees in or adjacent to the proposed Scheme footprint. The tree data contained within the Tree Survey Schedule (Appendix C), was recorded by a visual survey from ground level and no invasive tree inspection measures were employed.

The objective of this report is to provide a balanced judgement of the site to allow the development to be integrated with the trees in this location. The assessment process categorises the trees onsite to select the trees appropriate for retention, reviews the options for incorporating these trees within the developed landscape, and provides a methodology for tree protection during construction. The survey provides comment on the general quality of the trees but does not constitute a full or thorough assessment of the health and safety of trees on or adjacent to the site.

The recommended actions for the existing trees have been stated in Section 3 with the full Tree Survey Schedule and categorisation of the trees in their existing context stated in Appendix C. The Root Protection Area (RPA) calculations are contained in Appendix D.

In accordance with BS 5837:2012, the following information was recorded for each tree:

- a) Sequential reference number (to be recorded on the tree survey plan).
- b) Species listed by common, with key provided to scientific name.
- c) Height (metres).
- d) Stem diameter (millimetres) in accordance with annex C of *BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations)*. The stem diameters of single stemmed trees were measured at 1.5 metres above ground level and multi-stemmed trees measured in accordance with Annex C.
- e) Branch spread (metres), taken as a minimum at the four cardinal points, to derive an accurate representation of the crown (plotted on the tree survey plan).
- f) Existing height (metres) above ground level of:
  1. First significant branch; and
  2. Canopy.
- g) Life stage is recorded as:
  - I. Y: Young trees or newly planted trees;
  - II. SM: Semi-mature trees within 1st third of their life expectancy;
  - III. EM: Early mature trees within 2nd third of their life expectancy;
  - IV. M: Mature trees aged within final third of their life expectancy;
  - V. OM: Over-mature - declining or moribund trees of low vigour; and,

- VI. V: Veteran trees - specimens exhibiting features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.
- h) General observations, particularly of structural and/or physiological condition (e.g. the presence of any decay and physical defect), and/or preliminary management recommendations.
  - i) Estimated remaining contribution, in years (<10, 10+, 20+, 40+).
  - j) Retention category has been recorded as A, B, C or U in accordance with Section 4.5 and Table 1 and Table 2 of BS 5837:2012 (Appendix B), to be recorded on the tree survey plan. This gives an indication as to each tree's arboricultural, landscape and cultural value and significance, and also its suitability for retention in the context of the proposed redevelopment of the site. The sub-categories [1 - Arboricultural values; 2 - Landscape values and 3 - Cultural values, including conservation] are included where considered necessary to clarify why a tree has been assigned to a particular retention category. These categorisation criteria are summarised below:
    - i. A: Trees of high quality and value whose retention is most desirable (suggested minimum contribution 40 years);
    - ii. B: Trees of moderate quality and value whose retention is desirable if practicable (suggested minimum contribution 20 years);
    - iii. C: Trees of low quality and value or limited long-term potential, which could be retained if not in conflict with development proposals or young trees with a stem diameter of less than 150 millimetres (suggested minimum contribution 10 years); and,
    - iv. U: Trees requiring removal irrespective of any development proposals due to significant structural defects, irreversible decline or with a very short-term life expectancy of less than 10 years.

The Root Protection Area has been calculated in accordance with Section 4.6 of BS 5837:2012. The two measurements provided are a 'Root Protection Radius (m)' (circle centre on the tree) and an overall 'root protection area (m<sup>2</sup>)'.

### **1.3 Limitations of Survey**

The survey only encompassed the trees likely to be affected by the proposed Scheme (refer to Appendix A Figure 1.1 for extent of site).

This report has been prepared in accordance with BS5837:2012. It is not, nor should it be taken to be, a full or thorough assessment of the health and safety of trees on or adjacent to the site. It recommended that a full tree survey should be undertaken on a regular basis to satisfy health and safety requirements.

## 2. Tree Summary

### 2.1 Site Description

The principal area affected by the Scheme design is the south side of Platform Road. This area currently consists of pavements, a large verge approximately 20+m wide (maintained grass with a number of trees present) and a maintained hedge forming the boundary with an adjacent car parking area. The north side of Platform Road forms a boundary with Queen's Park, a triangular area of parkland bordered on all sides by mature trees (predominately London plane). While this area falls within the extent of the Scheme these trees would remain unaffected by the construction works.

### 2.2 Tree Overview

The trees on site are mainly of young to semi mature age and are well established within the local landscape. The western end of the Scheme commences adjacent to a line of young London plane (*Platanus x hispanica*) trees (10+) located to the rear (southside) of the footpath (refer to photos 2.1 and 2.2). To the east of this point a group of 3 middle aged trees (T5, T6 and T7) are located within an area of maintained grassland (refer to photo 2.4). T4 (refer to photo 2.3) is located to the north west of T4. Further east, four young Rowan trees (*Sorbus aucuparia*) are contained within a maintained hedge (photos 2.5 and 2.6) which provides a boundary between the road and car parks associated with the dock area. One multi-stemmed sycamore (middle aged) is also present at the start of the hedgeline which commences at Central Road (refer to photos 2.7 and 2.8).

Of the trees surveyed, the following categories were assigned in accordance with BS 5837:2012 (Tables 1 & 2 – Cascade chart for tree quality assessment):

Table 2.1: Summary of BS 5837:2012 tree categories assigned to the surveyed trees

Tree Category	Description	Number surveyed
Category A	Trees of high quality and value	3 individual trees
Category B	Trees of moderate quality and value	4 individual trees
Category C	Trees of low quality and value	4 individual trees
Category U	Trees for removal	1 individual tree



Photo 2.1: Avenue of plane trees including T1 to T3



Photo 2.2: T1 to T3



Photo 2.3: tree T4 (north side of road)



Photo 2.4: Tree T5 (foreground) to T7



Photo 2.5: T10 (foreground), T11 and T12



Photo 2.6: T10 (foreground) to T8



Photo 2.7: T12 viewed from west



Photo 2.8: Structural weakness in T12



## 3. Implications for Proposal

### 3.1 Risk to trees from general construction activities

Trees can be easily damaged by construction processes, with both the tree roots and the main structure of a tree susceptible to a range of impacts. Root damage can affect the anchorage and stability of the tree, as well as preventing or inhibiting the absorption of water and nutrients. Damage to the trunk and branches leaves the tree more exposed to disease and decay.

Activities that can cause damage to tree roots include:

- trenches
- alterations in soil level
- non-porous surfaces
- compaction of soil
- changes in soil hydrology
- root exposure
- soil pollution (i.e. oil spill, incorrect application of herbicide and/or other chemicals)
- fires

Activities that can cause damage to tree trunks and branches include:

- pressure from materials stored against trunks
- physical impact from plant and equipment
- incorrect pruning
- exposure of bark or leaves to chemicals
- damage to bark from mowers and strimmer

### 3.2 Protection of Root Protection Area (RPA)

Working anywhere in the vicinity of trees is likely to cause some root damage due to the fact that in the order of 80% of the roots of any tree will occur within the upper 600mm of the soil. Roots will spread out for a considerable distance from a tree and may be encountered at a distance beyond the canopy spread of a tree. Where construction activities are proposed within the rooting zone of trees, the potential for significant damage exists.

Section 4.6 of BS 5837:2012 prescribes a methodology for the calculation of a Root Protection Area (RPA). The RPA represents the minimum area that should be retained undisturbed around a tree or trees for the avoidance of an unacceptable degree of root disturbance. The required RPA of any tree is calculated, and plotted as a circle centred on the base of the stem. Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution.

RPA calculations for this site are provided in Appendix D.

### 3.3 Tree Protection Orders (TPO) and Conservation Areas (CA)

Southampton City Council has confirmed that the principal roads associated with the Scheme fall within the following Conservations Areas:

Road associated with the scheme	Conservation Area (CA)
Platform Road	Canute Road CA
Queen's Terrace and Terminus Terrace	Oxford Street CA
Town Quay	Old Town West CA
Orchard Place	Orchard Place CA

Conservation Area status requires notification of proposed tree works to be issued to the Local Authority for approval. No trees affected by the Scheme are subject to Tree Preservation Orders (TPOs).

### 3.4 Proposed actions for the trees associated with the scheme

In considering the proposed Scheme in the context of the existing site, the following table details the recommended actions to ensure effective integration between the natural and built environment.

Table 3.1: Proposed actions to be taken for trees likely to impacted by the Scheme

Tree Ref	Species	TPO	CA	Recommended Action
T1	London Plane	No	No	Retain: prune to achieve 5.2m clearance above carriageway (minor works). No tree protection required.
T2	London Plane	No	No	Retain: prune to achieve 5.2m clearance above carriageway (minor works). No tree protection required.
T3	London Plane	No	No	Retain: prune to achieve 5.2m clearance above carriageway (minor works). No tree protection required.
T4	Silver Birch	No	Yes	No impact from Scheme. However, the tree may be removed on Cultural heritage grounds. SCC to confirm.
T5	Acer spp.	No	Yes	Fell: trees fall within immediate Scheme footprint for the new widened section of carriageway.
T6	Purple sycamore	No	Yes	Fell: trees fall within immediate Scheme footprint for the new widened section of carriageway.
T7	Sycamore	No	Yes	Fell: trees fall within immediate Scheme footprint for the new widened section of carriageway.
T8 to T11	Rowan (plus existing hedge)	No	Yes	Fell: trees fall within immediate Scheme footprint (hedge to be removed to install footway and open up verge area).
T12	Sycamore	No	Yes	Fell: tree falls within immediate Scheme footprint (re-alignment of corner with Central Road).

**NOTE:** The north side of Platform Road forms a boundary with Queen's Park, a triangular area of parkland bordered on all sides by mature trees (predominately London plane). While this area falls within the extent of the Scheme, these trees would remain unaffected by the design and subsequent construction of the Scheme.



### **3.5 Mitigation for Tree Loss**

The trees for removal are of mixed condition and quality, however they do provide some landscape value within an urban setting. It is recommended that mitigation planting is undertaken to the south of Platform Road to help integrate the Scheme within the current setting, visually separate the carriageways from the land associated with the dock (primarily a car parking area) and increase the amenity and arboricultural value in line with the trees within Queen's Park (north side of Platform Road). It is proposed that the loss of trees would be mitigated on a ratio of 2:1 or greater.

Depending on the final planting space available on the south side of Platform Road it is recommended that a similar linear feature could be achieved through planting individually spaced broadleaved trees. A line of London Plane (*Platanus x hispanica*) trees would tie in with the existing avenue on the south side of Town Quay (western end of the Scheme) and echo the existing boundary planting associated with Queen's Park (north side of Platform Road). Similarly, introduction of native oak trees (*Quercus robur*) within the verge would provide similar landscape impact and also ecological benefits.

## 4. Recommendations – preventing damage to retained trees.

### 4.1 Tree protection during construction

Due to the fact all trees within the existing verge area to the south of Platform Road will be removed, no recommendation has been made to protect trees during construction by means of installing temporary protective barriers. The Scheme design associated with other roads (i.e. Orchard Place, Queen's Terrace and Terminus Terrace) would not affect any other trees.

### 4.2 Tree Works

All tree works would comply with any restrictions imposed by the Local Planning Authority and any covenants or by-laws relevant to this site.

All tree work should be carried out during the dormant season between October and March and in accordance with BS 3998:2010 Recommendations for Tree Work and current best arboricultural practice.

It should be noted that the Contractor will be responsible under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010, and the Countryside Rights of Way Act 2000, to take all reasonable action to identify the presence of protected species including nesting birds, bats, dormice and reptiles in the works area/surroundings, and comply fully with the law in relation to impacts associated with any instructed works.

### 4.3 Storage of Materials

Storage of materials is to be accommodated away from all trees either on an appropriate area of hard standing or delivered on a "just in time basis" i.e. for same day use.

### 4.4 Contractor's Compliance

The proximity of the trees for retention in relation to the work area will require the Contractor's strict compliance and cooperation with all aspects of this methodology to enable satisfactory long term coexistence of trees and the development.

### 4.5 Arboricultural Inspection

On completion of the development, an Arboriculturalist should look for signs of intolerance to the change in conditions and the effect of the development. This inspection should identify any accidental damage to retained trees and identify any resulting additional tree works as appropriate.

## 5. Conclusion

The trees likely to be affected by the Scheme have been assessed for their physiological and structural condition, and given a retention category in accordance with Table 1 – Cascade Chart for Tree Quality Assessment, *BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*.

Twelve individual trees were surveyed in relation to the Scheme. Of these trees:

- 3 trees have been assessed as Grade A (i.e. trees of high quality and value);
- 4 individual trees as Grade B (i.e. trees of moderate quality and value);
- 4 individual trees as Grade C (i.e. trees of low quality and value); and,
- 1 individual tree as Grade U (i.e. trees for removal on the basis of sound arboricultural management).

A total of eight individual trees (T5, T6, T7, T8, T9, T10, T11 and T12) will need to be removed to facilitate construction of the Scheme. The trees for removal comprise three category B trees (T5, T6 and T7), three category C trees (T8, T9, T11 and T12) and one category U tree (T10). There is also a possibility that T4 will be removed on Cultural Heritage grounds. This is yet to be confirmed Southampton City Council.

Three trees (T1, T2 and T3) will require minor pruning works to provide the appropriate vertical clearance of 5.2m over the carriageway.

There are a number of Conservation Areas that the scheme falls within or is located adjacent to. Conservation Area status requires notification of proposed tree works to be issued to the Local Authority for approval.

# Appendices

Appendix A. Drawings \_\_\_\_\_

Appendix B. Key to Tree Survey Schedule \_\_\_\_\_

Appendix C. Tree Survey Schedule \_\_\_\_\_

Appendix D. Root Protection Area \_\_\_\_\_

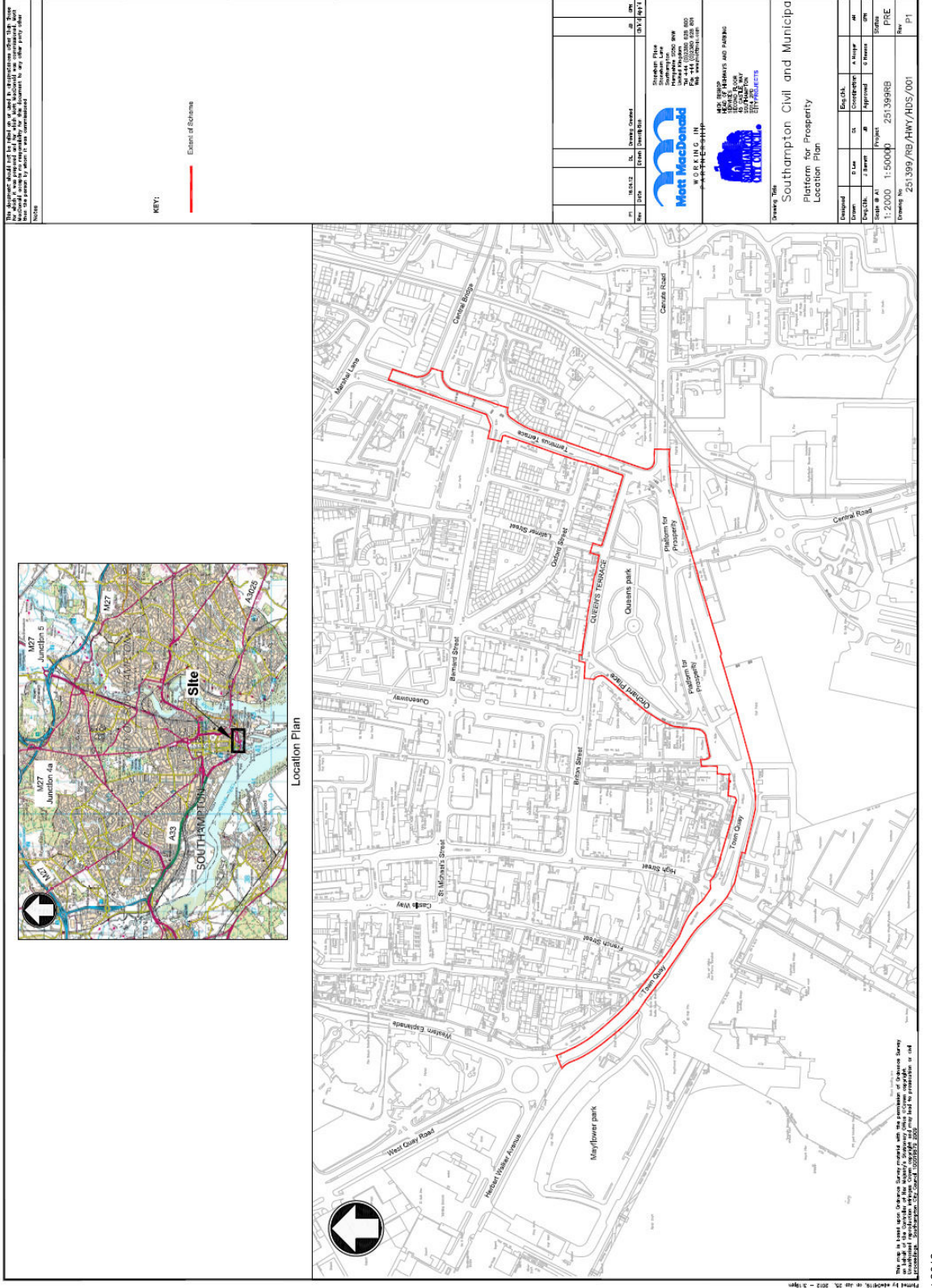
Appendix E. TPO and CA information \_\_\_\_\_

Appendix F. Glossary \_\_\_\_\_

Appendix G. References \_\_\_\_\_

# Appendix A. Drawings

## A.1. Scheme Extends Location Plan



**A.2. Tree Constraints Plan**





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To be used in conjunction with Platform for Posterity Arboricultural Report (July 2022).

**KEY:**

- Unmanned Tree Root Protection Area (RPA)
- Approximate extent of canopy
- Grade A Trees
- Grade B Trees
- Grade C Trees
- Grade U Trees to be removed for reasons of sound arboricultural management

Rev	Date	Drawn	Description	CU	GP	PH
P2	27.07.22	DL	T12 grading revised	CU	GP <td>PH</td>	PH
P1	06.07.22	MDL	First Issue	CU	GP <td>PH</td>	PH

**Mott MacDonald**  
WORKING IN PARTNERSHIP

Southampton Place  
Southampton  
United Kingdom  
Tel: +44 (0)1703 628 800  
Fax: +44 (0)1703 628 800  
Web: www.mottmac.com

**SOUTHAMPTON CITY COUNCIL**  
CITY PROJECTS

MICK BISHOP  
SENIOR PROJECT MANAGER  
45 CASTLE WAY  
SOUTHAMPTON  
SO14 2PD

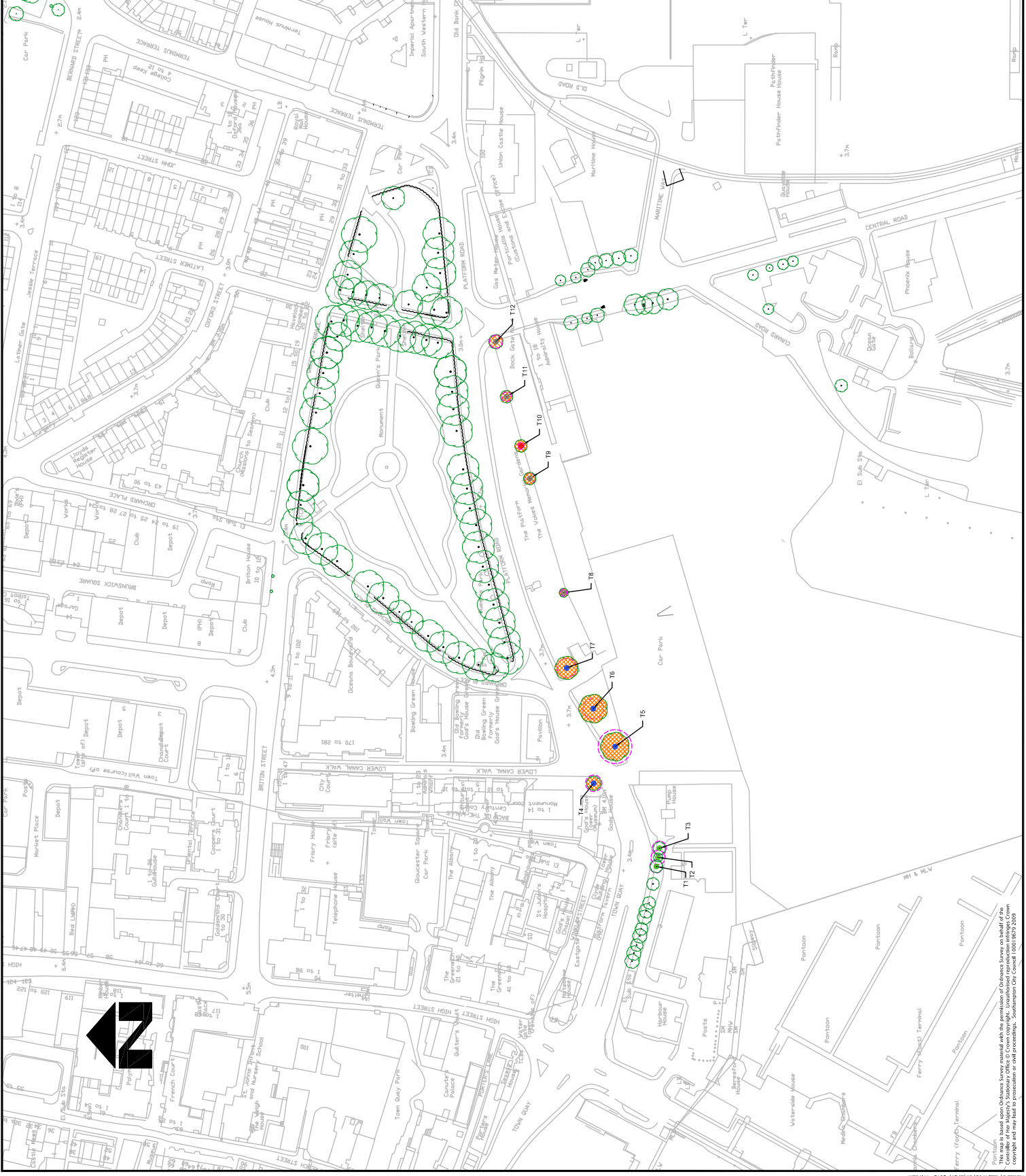
Drawing Title: Platform for Posterity Arboricultural Survey Tree Constraints Plan

Drafted	R. Lemon	RL	Eng. Chl.	AH
Drawn	M.D. Laurent	MDL	Confirmation	A. Hooper
Drawn/Chk.	C. Lunn	CU	Approval	G. Brown
Scale @ A1	Project			

Scale @ A1: 1:1000

Drawing No: 251399RB/HWY/HDS/005

Rev: PRE



**A.3. Tree Protection Plan**



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This plan was prepared in conjunction with Platform for Posterity Arboricultural Report (July 2012).

**KEY:**

- Unnamed Tree Root Protection Area (RPA)
- Approximate extent of canopy
- Trees to be Removed
- Grade A Trees
- Grade B Trees
- Grade C Trees
- Grade U Trees to be removed for reasons of sound arboricultural management

Rev	Date	Drawn	Description	CU	GPH	Appr
P2	27.07.12	DL	T12 grading revised	CU	GPH	
P1	05.07.12	MDL	First Issue	CU	GPH	

**Mott MacDonald**  
WORKING IN PARTNERSHIP

Southam Place  
Southampton  
United Kingdom  
Tel: +44 (0)1329 2382 800  
Fax: +44 (0)1329 2382 800  
Web: www.mottmac.com

**SOUTHAMPTON CITY COUNCIL**  
CITYPROJECTS

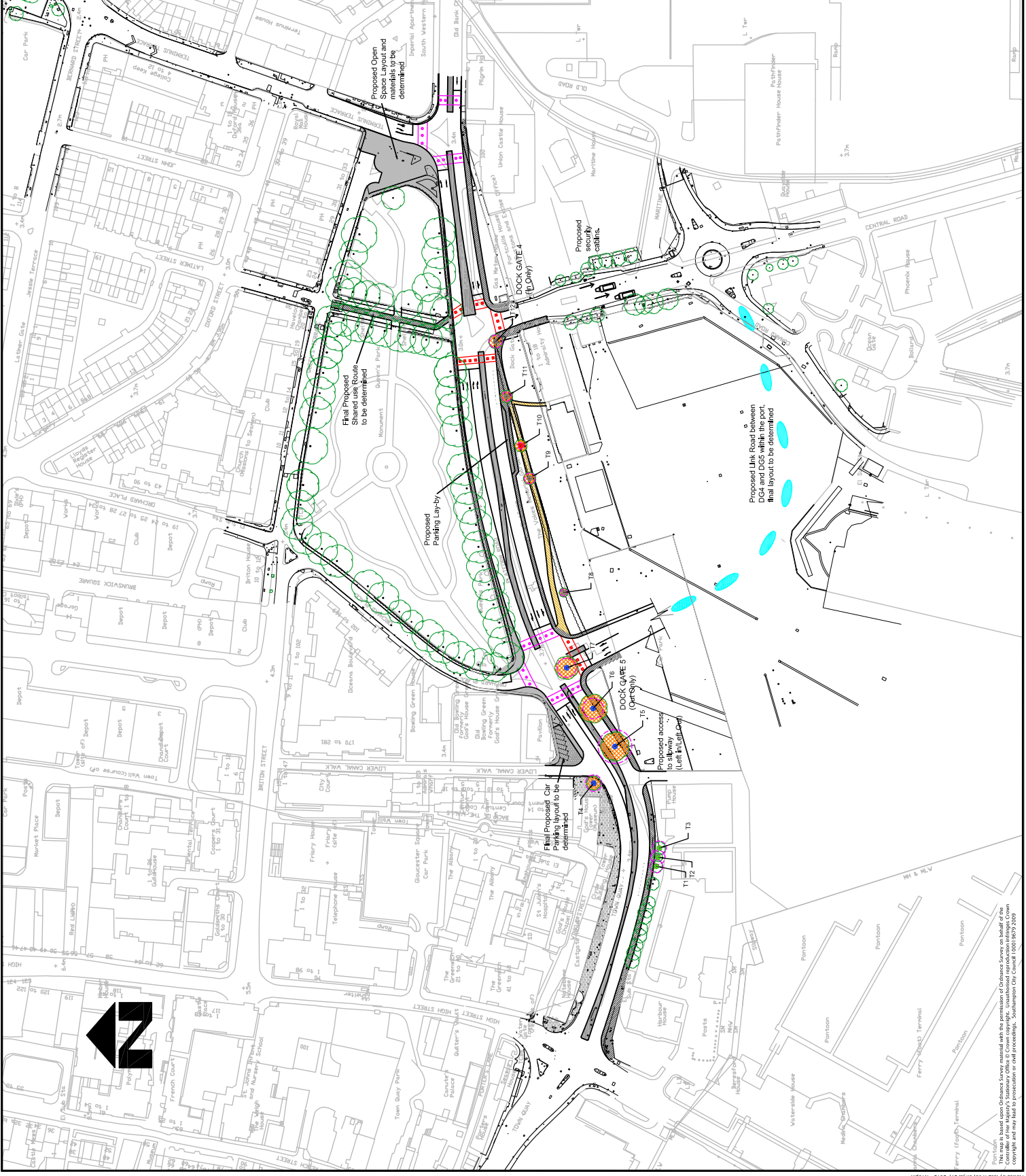
MICK BISHOP  
HEAD OF HIGHWAYS AND PARKING SERVICES  
SECOND FLOOR  
45 CASTLEWAY  
SOUTHAMPTON  
SO14 2PD

Drawing Title: Platform for Posterity Arboricultural Survey Tree Protection Plan

Scale @ A1: 1:1000

Drawn	Rev	Eng/Chk	Appr	Stat
R. Lemon	RL	Eng/Chk.		
M.D. Lambert	MDL	Coordination	A. Hooper	AH
C. Usher	CU	Approval	G. Hanson	GPH
		Project		PRE

Drawing No: 251399RB/HWY/HDS/006  
Rev: P2



## Appendix B. Key to Tree Survey Schedule

Tree Reference	Unique reference or Tree Tag number, identifying each tree and/or tree group on the accompanying plan/s.
Species	Tree species giving the vernacular and full botanic name.
Height	Recorded in metres, measured in m from the base of the tree.
Stem Diameter	Tree trunk diameter measured at 1.5m above ground level (on sloping ground above highest ground level) or immediately above root flare for multi-stemmed trees. Expressed in millimetres. (est) dimension estimated; (av) average or max maximum dimension used in groups.
Branch Spread	Tree canopy extent taken from centre of tree trunk to edge of general canopy line along the four principal points of the compass (note this distance is to the general canopy line in certain cases and that an exceptional or etiolated branch may extend beyond stated figure).
Crown Clearance	Existing height above ground level of 1) first significant branch and direction of growth (e.g. 2.4 N); and 2) canopy, to inform on ground clearance, crown/stem ratio and shading. Measured in m (rounded up to nearest half metre for dimensions up to 10m and up to nearest metre for dimensions over 10m).
Life Stage	Estimated life expectancy assessed in accordance with figures provided in Arboricultural Association Leaflet No. 4 tree Management. Note: these age classes may be pre-fixed with 'Early' or 'Late' in the Tree Survey Schedule to provide a more accurate indication of age.
	<b>Y</b> Young: within first third of normal life expectancy.
	<b>MA</b> Middle Aged: within second third of normal life expectancy.
	<b>M</b> Mature: within final third of normal life expectancy.
	<b>OM</b> Over Mature: senescent trees nearing end of their anticipated life expectancy.
	<b>V</b> Veteran: exhibiting features of biological, cultural or aesthetic value characteristic of individuals surviving beyond typical age range
<b>D</b> Dead.	
General Observations	Observations particularly of structural and/or physiological condition (e.g. the presence of any decay and physical defect), and/or preliminary management recommendations.
Estimated Remaining Contribution	Relates to the potential life expectancy of the tree in its current setting, shown in years as one of the following categories: <10; 10 to 20; 20 to 40; and, 40+.
Category Grading in accordance with Table 1 (BS 5837:2012)	Tree categorisation as defined by Table 1 – Cascade chart for tree quality assessment of British Standard 5837:2005. Decisions regarding which trees are to be retained should be influenced by their retention categories as suggested below.
	<b>A</b> Trees of high quality and value; > 40 years contribution remaining; marked light green on plan. Category is sub-divided as follows: 1 particularly good example; essential component of group e.g. in avenues; 2 screening value, particular visual importance 3 significant conservation, historical, commemorative or other value (includes veteran or wood pasture trees). <b>Tree retention is highly desirable: significant amendments to any proposed development should be considered before removing these trees</b>
	<b>B</b> Trees of moderate quality and value with a significant life expectancy; > 20 years contribution remaining; marked mid-blue on plan. Category sub-divided as follows: 1 Trees that may be of impaired condition in relation to trees in category above; 2 Trees present in numbers/groups attracting higher collective rating; internal to site, of limited visual impact to locality; 3 Trees with clear conservation or cultural benefits. <b>Tree retention is desirable: amendments to any proposed development should be considered before removing these trees.</b>
	<b>C</b> Trees of low quality and value; >10 years contribution remaining; marked grey on plan. Includes young trees below 150mm diameter (to which consideration for transplanting should be given). Note that "C" trees will usually not be retained where they would impose a significant constraint on development. Category sub-divided as follows: 1 Trees not qualifying in higher categories; 2 Trees within groups of low landscape value, having limited screening value; 3 Trees with very limited conservation or other cultural benefits. <b>Trees could be retained however the removal of some of these trees should be considered acceptable if required to facilitate any proposed development.</b>
<b>U</b> Trees for removal; those in such a condition that are dead, dying, dangerous, severely suppressed or where any existing value would be lost within 10 years; marked dark red on plan. <b>These trees should be removed or treated in such a way as to make them safe where they have high ecological value or benefits.</b>	

# Appendix C. Tree Survey Schedule

Platform for Prosperity Tree Survey Schedule															
Tag Number or Ref	Individual Tree or Group	No. in group	Species	Common name	Height (m)	Stem Diameter (mm)	N	E	S	W	Crown Clearance (m) a = first branch b = canopy	Life Stage	General Observations (and Preliminary Management Recommendations)	Life Expectancy	Category
T1	Individual Tree	n/a	<i>Platanus x hispanica</i>	London plane	12	295	5	2	5	5	a = 3.5	Y	Tree forms part of avenue on south side of road; N - crown extends over footpath; kerb line is to be re-aligned to adjacent tree. Amendments will not affect rooting zone of tree however minor pruning will be required to provide 5.2m highway clearance required.	40+	A2
T2	Individual Tree	n/a	<i>Platanus x hispanica</i>	London plane	12	323	6	3.5	4	3.5	a = 3.5	Y	Tree forms part of avenue on south side of road; N - crown extends over footpath; kerb line is to be re-aligned to adjacent tree. Amendments will not affect rooting zone of tree however minor pruning will be required to provide 5.2m highway clearance required.	40+	A2
T3	Individual Tree	n/a	<i>Platanus x hispanica</i>	London plane	12	324	5	2	5	6	a = 3.5	Y	Tree forms part of avenue on south side of road; N - crown extends over footpath; kerb line is to be re-aligned to adjacent tree. Amendments will not affect rooting zone of tree however minor pruning will be required to provide 5.2m highway clearance required.	40+	A2
T4	Individual Tree	n/a	<i>Betula pendula</i>	Silver birch	10	380	5av	5av	5av	5av	a = 3.5 b = 2.5	M	Located in pavement on north side of road	10 to 20	B2
T5	Individual Tree	n/a	<i>Acer spp.</i>	Maple	14	772	7	8.5	7	8	a = 2.5 SW b = 2.9 av	M	Subject to some minor pruning.	40+	B2
T6	Individual Tree	n/a	<i>Acer platanoides</i> <i>Crimson King</i>	Purple Norway Maple	9	468	5	5.5	5	4.5	a = 2 S b = 2.2 av	MA	Balanced crown.	40+	B2
T7	Individual Tree	n/a	<i>Acer platanoides</i>	Norway Maple	10	438	5	6	5	5	a = 2.2 S b = 2 av	Y	2 stage canopy, initial dieback in lower tier.	40+	C1
T8	Individual Tree	n/a	<i>Sorbus aucuparia</i>	Rowan	4	154	1.5	2.5	1.5	0.5	b = 2.5 N	MA	Within maintained hedgerow (biased to north edge); leaning to N	<10	C1
T9	Individual Tree	n/a	<i>Sorbus aucuparia</i>	Rowan	8	250	2.5av	2.5av	2.5av	2.5av	Not Recorded	MA	Within maintained hedgerow (biased to north edge)	<10	C1
T10	Individual Tree	n/a	<i>Sorbus aucuparia</i>	Rowan	5	150	1.5av	1.5av	1.5av	1.5av	a = 2 S b = 2.2 av	MA	90% dead; within maintained hedgerow (biased to north edge)	<10	U
T11	Individual Tree	n/a	<i>Sorbus aucuparia</i>	Rowan	7	220	4	2	2.5	2.5	a = 2 S b = 2.2 av	MA	Within maintained hedgerow (biased to north edge)	10 to 20	C1
T12	Individual Tree	n/a	<i>Acer pseudoplatanus</i>	Sycamore	12	425 (200-225+300)	4	5	4	5	a = 2 E b = 2.2 av	MA	Tree formed by 3 main stems, one stem impacted by railing creating weak point within stem - management recommendation: remove limb; tree impacting on road sign to the south. Stems rubbing and future growth will be constrained by railing.	20 to 40	C1

## Appendix D. Root Protection Area

Table 5.1: Root Protection Areas calculated in accordance with Table D.1 (annex D) of BS 5837:2012

Tree	Species	# Stem Diameter (mm)	RPA Circle Radius (m)	RPA (m <sup>2</sup> )
T1	London plane	300	3.6	41
T2	London plane	330	3.96	49
T3	London plane	330	3.96	49
T4	Silver birch	380	4.56	65
T5	Acer spp.	780	9.36	275
T6	Purple Norway Maple	470	5.64	100
T7	Norway Maple	440	5.28	88
T8	Rowan	160	1.92	12
T9	Rowan	250	3	28
T10	Rowan	150	1.8	10
T11	Rowan	220	2.64	22
T12	Sycamore (ms)	425	5.1	81

# stem diameter has been rounded up to nearest 0.1

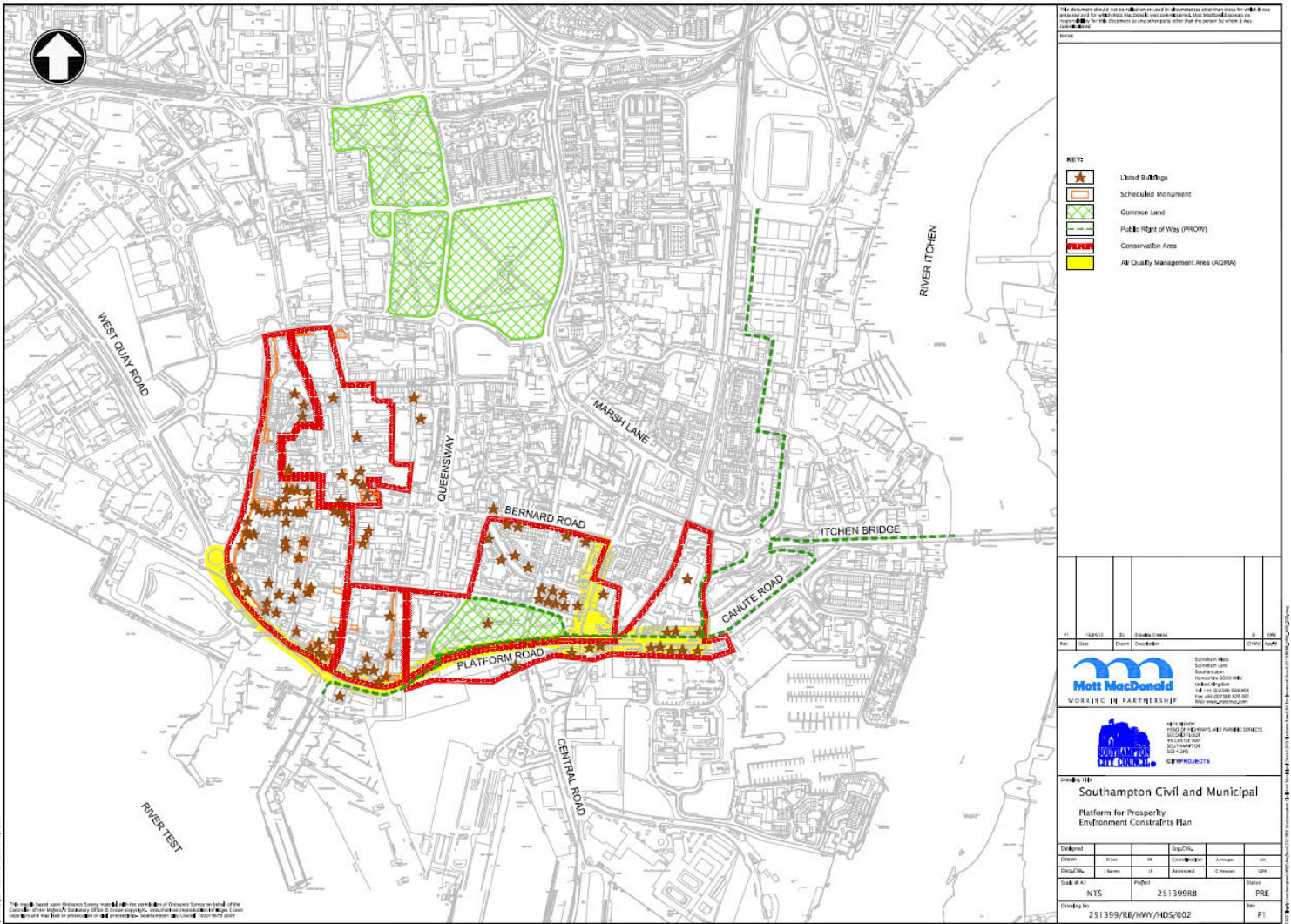


# Appendix E. TPO and CA information

## E.1. TPO information

No TPOs identified within or adjacent to Scheme Footprint.

## E.2. Conservation Area information



## Appendix F. Glossary

<b>Adventitious bud</b>	Adventitious buds develop from places other than a shoot at the tip of a stem e.g. along a branch, often formed as a result of stress e.g. after the stem is wounded or pruned
<b>AGL (Above Ground Level)</b>	Terminology (prefixed by a measurement) stated within the Tree Survey Schedule to reference the location/height of a particular tree feature or tree part
<b>Co-dominant stem</b>	A stem that has grown in direct competition to the main stem and which has formed a substantial size influencing the appearance of the tree
<b>Crown Lift</b>	The removal of the lowest branches, usually to a specified height. It can be used to allow more residual light and greater clearance underneath the canopy for vehicles etc.
<b>Dieback</b>	Where branches are beginning to show signs of death usually at the tips of the crown
<b>Epicormic growth</b>	Small branches that grow in uncharacteristic clusters around the base of a tree, usually as a result of bad pruning or other stress factor
<b>Etiolated</b>	Tall, thin tree which has extended vertically without substantial lateral development. Usually as a result of competition for light from other species
<b>'Hung up' branch</b>	A branch which has become detached from the tree but is prevented from falling to the ground by the presence of other branches within the crown
<b>Included bark</b>	Where the bark on two adjoining branches or stems is growing tight together, forming a joint with limited physical strength
<b>ms</b>	A multi stemmed tree
<b>Pollarding</b>	A method of tree management in which the main trunk of the tree is cut at a particular height, and the resulting branches are then cropped on a regular basis
<b>Occluded wound</b>	The growth of a wound with (callus) tissue produced subsequently
<b>RPA (Root Protection Area)</b>	The theoretical rooting area of a tree defined by BS5837:2005 Trees in Relation to Construction - Recommendations
<b>Topping</b>	Topping is a form of pruning that removes terminal growth leaving a 'stub' cut end. Topping causes serious health problems to a tree

## Appendix G. References

British Standard BS 5837:2012 Trees in Relation to design, demolition and construction – Recommendations; April 2012; ISBN 978 0 580 69917 7

British Standard BS 3998:2010 Recommendations for Tree Work; Third (present) edition, December 2010; ISBN 978 0 580 53777 6

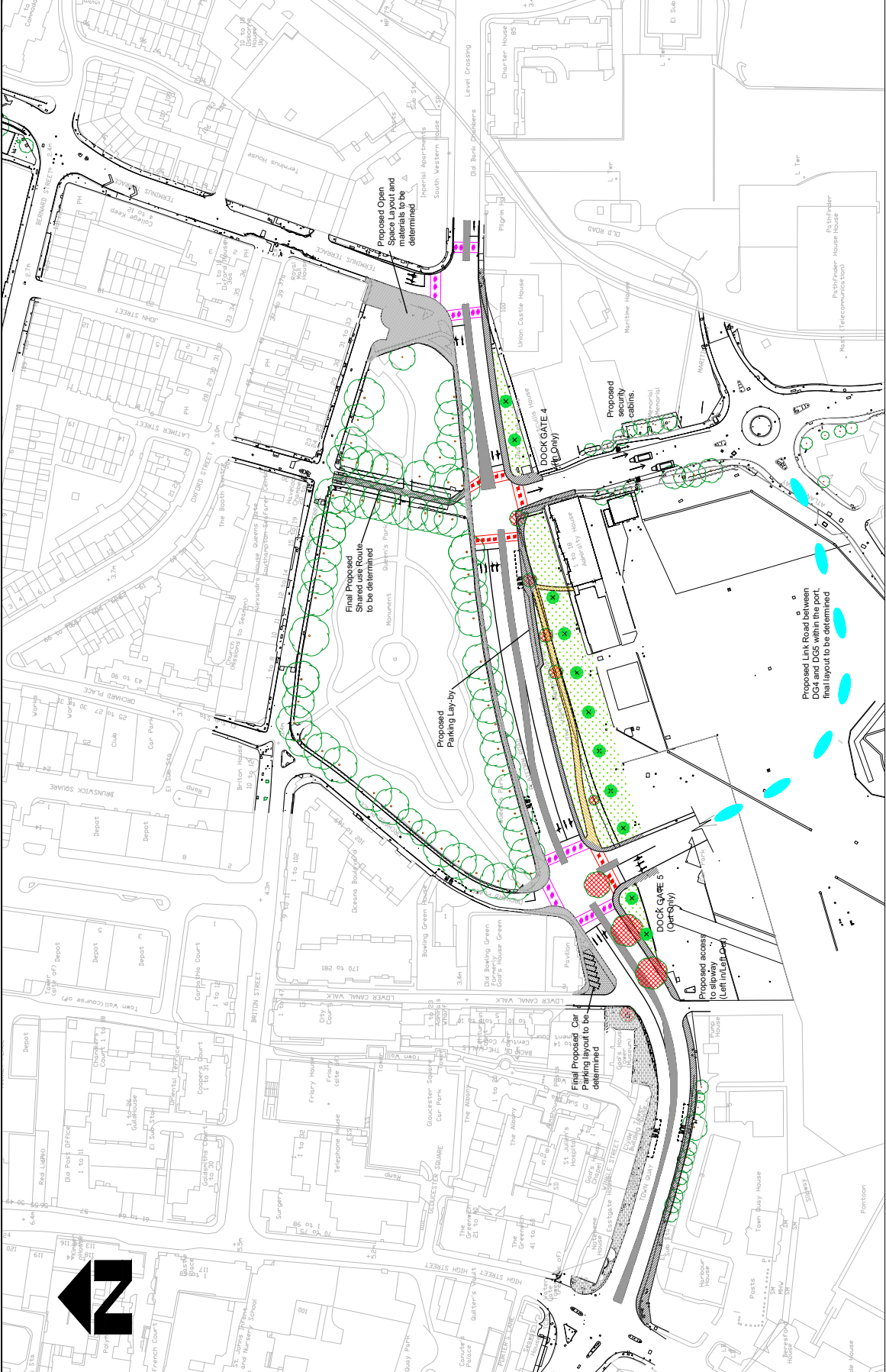
The National Joint Utilities Group, Issue 1 – 8th October 2007, Volume 4 - Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees

Arboricultural Association, 1991, Leaflet 4 - Tree Management

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**KEY**

- Proposed Link Road (within Eastern Docks)
- Trees to remain
- Proposed new trees (number & species to be confirmed)
- Existing trees to be removed (final number to be confirmed)
- Proposed Enlarged & enhanced public open space
- Natural Stone Paving
- Mauvern Leemoor Concrete Slabs
- Concrete Cobbles
- Bitmac Surfacing
- Specialized Surfacing
- Shared Use Crossing (Pedestrians/Cycles)
- Pedestrian Crossing

REV	DATE	BY	CHKD	DESCRIPTION
C	20/01/23	KJ	KJ	Revised after Public Consultation. Note to be removed from drawing.
B	18/01/23	KJ	KJ	Revised after Public Consultation. Note to be removed from drawing.
A	18/01/23	KJ	KJ	Revised after Public Consultation. Note to be removed from drawing.
REV	DATE	BY	CHKD	DESCRIPTION
1	18/01/23	KJ	KJ	Issued for Public Consultation
2	18/01/23	KJ	KJ	Revised after Public Consultation
3	18/01/23	KJ	KJ	Revised after Public Consultation
4	18/01/23	KJ	KJ	Revised after Public Consultation
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92	18/01/23	KJ	KJ	Revised after Public Consultation
93	18/01/23	KJ	KJ	Revised after Public Consultation
94	18/01/23	KJ	KJ	Revised after Public Consultation
95	18/01/23	KJ	KJ	Revised after Public Consultation
96	18/01/23	KJ	KJ	Revised after Public Consultation
97	18/01/23	KJ	KJ	Revised after Public Consultation
98	18/01/23	KJ	KJ	Revised after Public Consultation
99	18/01/23	KJ	KJ	Revised after Public Consultation
100	18/01/23	KJ	KJ	Revised after Public Consultation

# Agenda Item 13

## Appendix B

### Platform Road PROPOSALS OUTLINE DESIGN

#### Public Consultation Plan

**FOR INFORMATION**

**Balfour Beatty Living Places**  
Working in partnership Design Group

**SOUTHAMPTON CITY COUNCIL**

Southampton City Council  
Southampton SO14 1TU

DRAWING STATUS	DESIGNED	DRAWN	GPR	CHECKED	APPROVED	DATE	SCALE	SHEET
	KJ	KJ	KJ	KJ	KJ	May 2012	1:1 (A0)	1 of 1

DO NOT SCALE FROM THIS DRAWING

NOTES

1. Trees - Only trees directly affected by the works will be removed, final number to be confirmed.
2. Dock Gate 5 - Generally "out" traffic only except for traffic using the Triangle Car Park (no direct access into docks).
3. Queens Terrace - Proposals are subject to design work, budget and local consultation.

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