

# Planning and Rights of Way Panel

Tuesday, 23rd April, 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 Cunio (Vice-Chair)  
Councillor Claisse  
Councillor L Harris  
Councillor Lloyd  
Councillor Shields  
Councillor Norris

### **Contacts**

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## **PUBLIC INFORMATION**

### **Terms of Reference**

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

### **Public Representations**

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

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

### **Southampton City Council's Seven Priorities**

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

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

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

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

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

### **Dates of Meetings: Municipal Year 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 26 March 2013 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **ITEM TO BE HEARD BETWEEN 9:30 AM TO 10:15 AM**

### **5 165 ST MARYS STREET AND FORMER CHANTRY HALL SITE, CHAPEL ROAD, SO14 5NH / 12/01953/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.

### **ITEM TO BE HEARD BETWEEN 10:15 AM TO 10:55 AM**

### **6 20 ELMSLEIGH GARDENS, SO16 3GF / 13/00215/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.

**ITEM TO BE HEARD BETWEEN 10:55 AM TO 11:35 AM**

**7 75 UPPER SHAFTESBURY AVENUE, SO17 3RU / 12/01884/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.

**ITEM TO BE HEARD BETWEEN 11:35 PM AND 12:15 PM**

**8 24 DELL ROAD / 12/00856/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 12.15 PM TO 1:00 PM**

**9 PORTCULLIS HOUSE, PLATFORM ROAD / 12/00400/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 1:40 PM AND 2:20 PM**

**10 233 BOTLEY ROAD, SO19 0NL / 13/00186/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.

**ITEM TO BE HEARD BETWEEN 2:20 PM AND 2:50 PM**

**11 NXP SEMICONDUCTORS, SECOND AVENUE / 13/00206/REM**

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.

**ITEM TO BE HEARD BETWEEN 2:50 PM AND 3:30 PM**

**12 EAST STREET SHOPPING CENTRE, EAST STREET AND ADJOINING LAND / 13/00415/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.

**ITEM TO BE HEARD BETWEEN 3:30 PM AND 3:50 PM**

**13 20-24 ORCHARD PLACE / 13/00161/FUL**

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

Monday, 15 April 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 26 MARCH 2013

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Present: Councillors Mrs Blatchford (Chair), Cunio (Vice-Chair), B Harris, L Harris, Lloyd, Norris and Shields

Apologies: Councillor Claisse

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

The Panel noted that Councillor Norris had been appointed to the Planning and Rights of Way Panel, to replace Councillor Smith, at the Council meeting held on 20 March 2013, for the remainder of the municipal year. The Panel also noted that Councillor B Harris was in attendance as a nominated substitute for Councillor Claisse in accordance with Council Procedure Rule 4.3.

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

**RESOLVED** that the Minutes of the Meeting held on 19 February 2013 be approved and signed as a correct record.

116. **60-64 ST MARY'S ROAD 12/01525/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, erection of a building ranging in height from 3-storeys to 20-storeys to provide 154 student residential flats, (77 cluster flats, 77 studios - 686 bed spaces), commercial/community uses on the ground floor (Class A1 - A5 inclusive, Class D1 or Class D2 - 581 square metres) with associated parking and communal facilities, vehicular access from Compton Walk and a new pedestrian access route from Charlotte Place to Compton Walk.

Mr Williamson (Architect), Ms Beuden (Agent), Mr Jelley (Applicant), Mr Esmal, Mr Edmond, Mr Donohue (objecting) (Charlotte Place Campaign Group), Mr Brora (objecting) (Southampton Medina Mosque Trust), Mr Linekar (objecting) (Southampton Commons and Parks Protection Society), Mr Lindner (objecting) (Local Business) and Councillor Barnes-Andrews (objecting) (Ward Councillor and on behalf of Councillors Rayment and Burke) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported four additional letters of objection had been received from local residents, a letter from Councillor Burke, a letter from Councillor Rayment, a letter from Southampton Commons and Park Protection Society, all objecting, and one letter of support had also been received. The presenting officer also reported an amendment to the Section 106 Agreement, an amendment to a Condition and an additional Condition.

## **RESOLVED**

- i) to delegate to the Planning and Development Manager to **grant** planning permission subject to the completion of the revised S106 Legal Agreement, the conditions listed in the report and the amended and additional conditions set out below;
- 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 S106 Legal Agreement; and
- 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.

### Amendment to S106 Agreement

Amend clause (xiv) so that it reads as follows:

The provision of the public route from Compton Walk to Charlotte Place, future maintenance, including payment of a commuted sum if the route is adopted as public highway, and public rights to pass over the route.

### Amended Condition

#### 25. APPROVAL CONDITION - Security Measures (Pre-Occupation Condition)

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- i. CCTV coverage & concierge arrangements with 24 hour on-site management;
- ii. door types of the storage areas;
- iii. outer communal doorsets and the cluster flat access doorsets;
- iv. ground floor windows; and
- v. audio/visual control through the communal access doors.

Development shall be completed and maintained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety

### Additional Condition

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

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

Reason:

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

RECORDED VOTE

FOR: Councillors B Harris, L Harris, Lloyd, Norris and Shields  
AGAINST: Councillors Mrs Blatchford and Cunio

117. **MENTAL HEALTH DAY CENTRE, BEDFORD HOUSE, AMOY STREET**  
**12/00381/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, demolition of the existing building and provision of 10 x 2 and 2.5 storey houses (8 x 3-beds, and 2 x 2-beds) with associated car parking and storage (outline application seeking approval for access, layout and scale).

Ms Mew (Agent), Mr Little (supporting) (Area Co-Ordinator for Waste Collection), Mr Lovelock and Mr Fleetwood (objecting) (Local Residents), and Councillor Smith (objecting) (on behalf of Councillor Bogle for Canton Street Residents) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported an amended Reason for Granting Permission and that fourteen additional letters of objection had been received from local residents, one of which included 82 signatures, and a letter of objection had also been received from each of the local Ward Councillors.

**Amended Reason for Granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 26.03.13 and the 24.07.12 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 neighbouring occupiers. The provision of a route for vehicles through Henry Street would not have a harmful impact on highway safety or the character of the area. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, planning permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, HE1, 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 CS3, CS4, CS5, CS13, CS14, CS16, CS18, CS19, and CS20 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.

The Panel voted against the officer recommendation to delegate to the Planning and Development Manager to grant planning permission.

**RESOLVED** that the applicant be invited to withdraw the application.

RECORDED VOTE

FOR: Councillors B Harris, L Harris, Lloyd and Norris  
AGAINST: Councillors Blatchford and Shields  
ABSTAINED: Councillor Cunio

118. **1 BEECHMOUNT ROAD, SO16 3JD 12/01933/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).

Erection of one Class C3, six bedroomed dwelling arranged on two floors (top floor in roofspace) with integral garage, to rear of existing house following part demolition/alterations of existing house and provision of parking spaces and associated bin/cycle stores.

Mr Wiles (Agent) and Ms Wawman (objecting) (Local Resident) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report and to add a note to the applicant stating that approved dwelling falls with C3 Use and that a change of use application would be required to occupy the property as a C4 or Sui Generis HMO.

119. **LAND ADJACENT RAILWAY TRACK, HORSESHOE BRIDGE 12/01557/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).

Removal of Condition 5 (restricted use) Class B1 (B) and (C) and its replacement with land use Class B2 of planning permission 12/00697/FUL.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.

120. **FORMER CASTLE INN, WITTS HILL SO18 4QA 13/00086/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).

Demolition of existing conservatory to rear and replacement with single storey extension and installation of a new external staircase and door opening at first floor level.

The presenting officer reported that an update letter had been received from G L Hearn dated 25<sup>th</sup> March 2013.

**RESOLVED** to **grant** planning permission subject to the conditions listed in the report.



RECORDED VOTE

FOR: Councillors Mrs Blatchford, B Harris, L Harris and Norris  
AGAINST: Councillor Shields  
ABSTAINED: Councillors Cunio and Lloyd

121. **FORMER REMPLOY SITE, WEST QUAY ROAD SO15 1GZ / 13/00011/FUL**

The Panel considered the report of the Planning and Development Manager recommending conditional approval be granted for a three year Temporary Consent expiring on 31 March 2016 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).

External alterations including recladding of existing factory building to provide temporary car showroom, workshop and associated administrative areas including new detached single storey structure for servicing and valeting. Change of use from B1 (light industrial) to sui generis (car showroom).

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

**RESOLVED** to **grant** conditional approval (3 year Temporary Consent expiring on 31.3.2016) subject to the conditions listed in the report.

122. **ZAZEN DEVELOPMENTS LTD - ROEBUCK HOUSE, 24-28 BEDFORD PLACE**

The Panel considered the report of the Senior Manager Planning, Sustainability and Transport, recommending approval to delegate authority to the head of Legal, HR and Democratic Services to enter into a Deed of Variation regarding Sustainable Travel Vouchers. (Copy of the report circulated with the agenda and appended to the signed minutes).

**RESOLVED** that delegated authority be given to the Head of Legal, HR and Democratic Services to enter into a Deed of Variation of the Section 106 agreement, removing the need to comply with the Sustainable Travel Voucher obligation, in lieu of providing a commuted contribution of £10,000 to discharge the relevant obligation, within a timescale to be agreed after the sale of the property by the Administrator.

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# Agenda Annex

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 23 April 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 | PSA | Application Number / Site Address   |
|---|---------|----------------|-----|---|
| <b><u>BETWEEN 9.30 AM AND 10.15 AM</u></b>      |         |                |     |   |
| 5   | RP      | DEL            | 15  | 12/01953/FUL<br>165 St Marys Street and<br>Former Chantry Hall Site,<br>Chapel Road, SO14 5NH |
| <b><u>BETWEEN 10.15 AM AND 10.55 AM</u></b>     |         |                |     |   |
| 6   | SB/AA   | CAP            | 5   | 13/00215/FUL<br>20 Elmsleigh Gardens, SO16<br>3GF   |
| <b><u>BETWEEN 10.55 AM AND 11.35 AM</u></b>     |         |                |     |   |
| 7   | SB/AA   | CAP            | 5   | 12/01884/FUL<br>75 Upper Shaftesbury Avenue,<br>SO17 3RU                                      |
| <b><u>BETWEEN 11.35 AM AND 12.15 PM</u></b>     |         |                |     |   |
| 8   | JT      | DEL            | 5   | 12/00856/FUL<br>24 Dell Road  |
| <b><u>BETWEEN 12.15 PM AND 1.00 PM</u></b>      |         |                |     |   |
| 9   | JT      | DEL            | 15  | 12/00400/FUL<br>Portcullis House,<br>Platform Road  |
| <b><u>LUNCH BETWEEN 1.00 PM AND 1.40 PM</u></b> |         |                |     |   |
| <b><u>BETWEEN 1.40 PM AND 2.20 PM</u></b>       |         |                |     |   |
| 10  | AG      | DEL            | 5   | 13/00186/FUL<br>233 Botley Road,<br>SO19 0NL  |
| <b><u>BETWEEN 2.20 PM AND 2.50 PM</u></b>       |         |                |     |   |
| 11  | SH      | CAP            | 15  | 13/00206/REM<br>NXP Semiconductors,<br>Second Avenue  |
| <b><u>BETWEEN 2.50 PM AND 3.30 PM</u></b>       |         |                |     |   |
| 12  | RP      | DEL            | 15  | 13/00415/FUL<br>East Street Shopping Centre,<br>East Street and adjoining land                |
| <b><u>BETWEEN 3.30 PM AND 3.50 PM</u></b>       |         |                |     |   |
| 13  | JM      | CAP            | 5   | 13/00161/FUL<br>20 - 24 Orchard Place, SO14<br>3BT  |

### **Abbreviations:**

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

RP – Richard Plume, SB – Stuart Brooks, AA – Andy Amery, JT – Jenna Turner, AG – Andrew Gregory, SH – Stephen Harrison, JM – Jo Moorse

## 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)

\* 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 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|  |   |                              |  |
|--|---|------------------------------|--|
| <b>Application address:</b><br>165 St Mary Street and former Chantry Hall site, Chapel Road, SO14 5NH  |   |                              |  |
| <b>Proposed development:</b><br>Redevelopment of the site to provide 59 flats (9 x one bedroom, 46 x two bedroom and 4 x three bedroom) in a building ranging in height from 3-storeys to 6-storeys with associated parking and landscaping. |   |                              |  |
| <b>Application number</b>  | 12/01953/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>  | 22.03.2013                                      | <b>Ward</b>                  | Bargate                                |
| <b>Reason for Panel Referral:</b>  | Major planning application subject to objection | <b>Ward Councillors</b>      | Cllr Bogle<br>Cllr Noon<br>Cllr Tucker |
| <b>Applicant:</b> Drew Smith Group and Warburg Property Developments   |   | <b>Agent:</b> Paris Smith Lp |  |

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. The impact of the proposal on the setting of the adjoining St Mary's Church is considered to be acceptable in the context of previously approved developments on this site. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. 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, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP16, SDP22, HE3, HE6, CLT5, CLT6, H1, H2, H7, MSA1 and MSA12 of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

### 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 relevant elements of public open space 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. The provision of affordable housing in accordance with Policy CS15 of the Core Strategy.
  - v. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy Policies CS24 and CS25.
  - vi. A Site Waste Management Plan.
  - vii. No resident shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
  - viii. A financial contribution towards public realm improvements in accordance with Council Policy.
  - ix. 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.
  - x. Submission and implementation of a flood evacuation plan.
- 2) 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.
- 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. The site and its context**

- 1.1 The application site is 0.3 hectares in area and is situated on the south side of St Mary Street and Chapel Road. The site is vacant and has been cleared of the buildings which were previously on the site. The site was previously in two parts: the land to the west, 165 St Mary Street, was formerly a garage and tyre fitting depot; the eastern part of the site was the former listed Chantry Hall building, originally a church hall but later a night club, which was destroyed by fire.
- 1.2 The surrounding area is mixed in terms of uses, building type and design. The substantial Central Hall church and community building adjoins to the south



west with a hall of residence (4 to 6-storeys) on the opposite side of St Mary Street. Smaller scale two and three-storey residential buildings adjoin to the south and east in Maryfield. The listed St Mary's Church and its substantial landscaped grounds is on the opposite side of Chapel Road. The application site is within the city centre boundary as defined by the Local Plan. The site is not within a conservation area but there are two protected Lime trees on the Chapel Road frontage which are subject of The Southampton (Deanery) Tree Preservation Order 1986.

## **2. Proposal**

- 2.1 The current application proposes redevelopment of the site to provide 59 flats in a building ranging in height from 3-storeys to 6-storeys. At the eastern end of the site, adjoining the access to Maryfield the building would be 3-storeys and would accommodate eight duplex flats. In the central part of the site the building rises to 6-storeys in height dropping down to 5-storeys on the boundary with Central Hall. The mix of dwellings proposed are 9 x one bedroom flats, 46 x two bedroom flats and 4 x three bedroom units. The density of the development would be 193 dwellings per hectare. The land level on the site would be raised to provide a flood level of 4.5 metres AOD.
- 2.2 Vehicular access would be provided from Maryfield to a car park of 28 parking spaces with a refuse storage enclosure close to the road. Pedestrian access to the building would be provided from both the front and rear. The eastern part of the building would be set back from the Chapel Road frontage to allow the two protected Lime trees to be retained within a landscaped frontage.
- 2.3 The application has been amended since it was first submitted. The changes are mainly of a design nature but also involved a reduction in the number of flats from 62 to 59, a reduction in the height of the building and an increase in the number of parking spaces from 23 to 28. The proposed external materials are a mixture of red brickwork and cladding panels.
- 2.4 The application is supported by a series of background documents including a Design and Access Statement, a Sustainability Statement, Ecology Report and a Flood Risk Assessment.

## **3. Relevant Planning Policy**

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

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

- 4.1 **165 St. Mary Street:** In 2007, outline planning permission was granted for redevelopment of this site with a 6-storey building to provide retail, offices and 36 x one-bedroom flats (ref: 06/01120/OUT). This permission was not taken up and could not now be implemented.
- 4.2 **Chantry Hall site:** In September 2008, outline planning permission was refused for erection of a new building ranging in height from 4-storeys to 7-storeys to provide shops (Class A1), restaurants/cafes (Class A3) and 59 flats (ref: 08/00870/OUT). The grounds of refusal were: the height and massing of the proposed building and the detrimental impact this would have on the character of the area and the setting of the listed church; the impact on residential amenity of the properties in Maryfield through loss of privacy, overshadowing and increased enclosure; the lack of an adequate flood risk assessment; inadequate vehicle access for a refuse vehicle; and failure to complete a Section 106 agreement.
- 4.3 In February 2009, outline planning permission was refused for a revised application proposing a building ranging in height from 4-storeys to 7-storeys to provide shops (Class A1), restaurants/cafes (Class A3) and 56 flats (ref: 08/01743/OUT). The reasons for refusal were similar to the previous development in terms of scale of building, character, residential amenity and Section 106 obligations. A different reason for refusal covered alterations to the highway and the acceptability of these changes as a means of escape in the event of a flood.
- 4.4 **Both parts of the site:** In July 2010 the Panel resolved to grant outline permission, subject to a Section 106 agreement, for a 4-storey multi-use building to provide an ice-rink and associated facilities including car parking, retail, café and restaurant uses with vehicular access from St Mary Street and alterations to the adjoining highway (ref: 10/00335/OUT). The Section 106 agreement has not been completed and therefore the permission has not been issued.

#### **5. 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 (07.02.2013) and erecting a site notice (31.01.2013). At the time of writing the report **3** representations have been received from surrounding residents. The comments can be summarised as follows.
- 5.2 **The proposal would be the biggest building in the area, up to 7-storeys, which would be out of character with the area. The plot should be left as an open park for all to enjoy as St Mary's has no open space for people to relax in.**

##### Response

The amendments to the application have resulted in the height of the building being reduced from 7-storeys maximum to 6-storeys. The surroundings are mixed in terms of height of building and architectural treatment. Although the

immediate surroundings in Maryfield are smaller scale, there are other 6-storey buildings nearby in the form of halls of residence on the opposite side of St Mary Street and taller buildings fronting Marsh Lane. The site is in private ownership and has not previously been public open space so it would not be reasonable to insist on such a use now.

- 5.3 **The level of car parking proposed is totally insufficient for this amount of development. Car parking overspill is already a major problem within this area.**

Response

Since these comments were made the application has been amended to reduce the number of flats from 62 to 59 and increase the amount of car parking from 23 spaces to 28 which accords with the maximum standard for the city centre. There is insufficient space on site to allow for any more parking. On street parking in surrounding roads is restricted and an obligation can be included in the Section 106 agreement to preclude future residents from receiving parking permits.

- 5.4 **City of Southampton Society** - Object to the application, the proposal affects the conservation area, represents an overdevelopment and is of poor design. This notable site deserves a striking building but the proposal is just an architectural cut and paste. The building makes no reference to the history of the area or the sense of place. The boundary wall should be of stone in keeping with Chapel Road east of the site.

- 5.5 **SCC Highways** - The principle of residential development here is accepted and with reduced levels of parking provision as the site is within an area of high accessibility. Local parking controls and zoning should prevent any overspill parking from affecting neighbours. Cycle parking within the flats is accepted, but some flats have cycle parking shown to block cupboards. A ground floor lobby cycle parking zone should be provided for those residents who do not wish to take cycles into their flats, and there is ample space for this.

- 5.6 **SCC Housing** – Fully support the application. As the scheme comprises 59 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 21 dwellings. Policy CS 15 of the adopted Core Strategy sets a hierarchy for the provision of affordable housing as:

1. On-site as part of the development and dispersed amongst the private element of the scheme.
2. On an alternative site, where provision would result in more enhanced affordable units, through effective use of available resources, or meeting a more identified housing need such as better social mix and wider choice
3. Commuted financial payment to be utilised in providing affordable housing on an alternative site

In this case the decision is to accept affordable housing provision on site as part of the main development. 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.

- 5.7 **SCC City Design** - The proposal for 6 storeys is contrary to CCAP Policy 37 which refers to the adjacent St Mary Street and developments being no taller than 5 storeys. The setting back of the building line from Chapel Road and the setting back of the top storey will help mitigate this. The development will help mitigate long views towards the taller buildings around Marsh Lane and Richmond Street by providing an end stop to this view. The design has been amended and represents an improvement on the original submission. The main entrance position has been revised with consequential amendments to layout of some ground floor apartments and ramped / stepped approaches to the front and rear entrances – this is in a much better location but is understated – a canopy could be incorporated over the entrance to improve its legibility. The amended balcony design is a much more elegant solution than the curved balconies and the amendments to the cladding and roof design are also welcomed.
- 5.8 **SCC Heritage Team** – The site lies within area 5C of the Local Areas of Archaeological Potential, at or near the presumed southern extent of the Middle-Saxon settlement of Hamwic. While part of the site has already been evaluated the results of the evaluation have never been properly analysed. The applicant will be required to secure a programme of archaeological field evaluation of the area proposed for development, which will include analysis of the previous work on the site, in order to inform the final design, foundations and service plans.
- 5.9 **SCC Trees** - The two Lime trees fronting this site are protected by The Southampton (Deanery) TPO 1986. The proximity of the main building to these trees is considered acceptable, my only concern is with the construction of a new boundary wall within the Root Protection Area. An alternative that does not require a traditional strip foundation would be preferred. The details of this along with site supervision could be tied up in a detailed Arboricultural Method Statement condition.
- 5.10 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions on soundproofing, hours of working, refuse storage etc.
- 5.11 **SCC Flood Risk Officer** – Supportive of the approach for managing tidal flood risk through raised finished floor levels above the extreme water levels for the lifetime of the development and reduction in the volume of surface water runoff from the site by 32%. Reference has been made to SuDS in Section 8.2.4 of the Flood Risk Assessment and in the Sustainability checklist but there is no information on the size or location of the various elements. SuDS should be used on the site to reduce the peak flow rate to as low as possible through the provision of storage with controlled discharge.
- 5.12 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. The subject site is located on/adjacent to the following historic land uses;
- Garage (on site). This land use is associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of

the National Planning Policy Framework ' March 2012 and Policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.

- 5.13 **SCC Ecology** – There are no adverse biodiversity impacts and the recommended enhancements are considered to be appropriate for the site.
- 5.14 **BAA** – No objections from an aerodrome safeguarding perspective providing a condition is imposed requiring submission of a bird hazard management plan.
- 5.15 **Hampshire Constabulary** – The Police support this application as it aims to achieve 'Secured by Design' status for this site subject to planning approval.
- 5.16 **Southern Water** – There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The public sewer is a combined system, receiving both foul and surface water flows. It is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated. Southern Water have no objections to the application subject to the imposition of a condition and an informative.
- 5.17 **Environment Agency** - No objections to the proposed development. The application site lies partly within Flood Zone 3 which means it has a high possibility of flooding. The Council may decide that in the absence of a safe access and egress, the risk to the users of the development can be mitigated by alternative means i.e. a flood warning and evacuation plan. On the issue of surface water drainage, the impermeable area across the site will reduce by 32%. However, there is no evidence of the infiltration potential at the site. The Council may wish to see evidence of the reduction in runoff in the form of a surface water drainage strategy which could be covered by a condition.

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

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

- The principle of development.
- The layout, scale of development and impact on established character including the impact on the setting of the listed St Mary's Church.
- Residential amenity.
- Highways and parking.
- Flood risk issues.

### **6.2 Principle of Development**

This site has been vacant for some time following the unfortunate fire which destroyed the listed Chantry Hall. The other half of the site was previously in commercial use having previously been a garage and tyre fitting operation. The planning history of the site shows a variety of previous applications for residential use, the only permission granted has now expired and there have been previous refusals of permission based on the scale and massing of the buildings. The site was not allocated for residential use in the Local Plan but the

most recent proposal was for an ice rink and commercial uses which unfortunately has proved to be undeliverable. In these circumstances, a residential development to bring this vacant site back into use accords with Core Strategy policy and is acceptable in principle.

- 6.3 A mix of 1, 2 and 3 bedroom dwellings is proposed. The development does not meet the target of Core Strategy Policy CS16 which seeks a target of 30% family sized accommodation. In this case only four 3 bedroom flats are provided, equivalent to 7% provision. Furthermore, the 3 bedroom flats proposed do not have access to private amenity space of 20 square metres as sought by the Core Strategy. However, the policy does allow for an exception to be made based on the character and density of the neighbourhood and the viability of the scheme. This is a high density development within the city centre where family sized houses are difficult to provide and the family sized flats are on the upper floors. The applicant has submitted a case that a reduction in the number of smaller flats to accommodate more family accommodation would make the scheme unviable. In these circumstances, the mix of dwellings proposed is considered to be acceptable and will assist in meeting housing targets and need for the city.

#### 6.4 Design Issues

The layout of the site is appropriate with the creation of a varied building line to address St Mary Street and Chapel Road and to allow the protected Lime trees to be retained. As amended, the building would have entrances at the front and rear to allow pedestrian access from both the street and the car park. As stated earlier in this report, the immediate area is mixed in terms of storey heights and architectural treatment. The city centre wide design guidance in the Development Design Guide identifies this street block as being suitable for building heights of 4 to 6-storeys. However, Policy 37 of the emerging City Centre Action Plan requires proposals to respect the character of the St Mary Street and Old Northam Road area, including its historic buildings and the fine grain, scale and height of buildings. The policy states that tall buildings of 5-storeys or greater will not be permitted. It should be pointed out that this is 'emerging' rather than adopted policy. Furthermore, there are other 6-storey buildings in the immediate vicinity, at Hamwic College Halls of Residence on the corner of St Mary Street and Evans Street and taller buildings at the Deanery Halls of Residence on Marsh Lane. It should also be appreciated that the proposed building reduces to 3-storeys at its eastern side to respect the more domestic scale of adjoining properties. This overcomes the reason for refusal of previous proposals for the Chantry Hall part of the site. Although the main part of the building is 6-storeys in height, the top floor is set back which helps to break up the mass of the building.

- 6.5 The impact of the development on the setting of the listed St Mary's Church is an important consideration in this case. The retention of the two large Lime trees will be essential to retaining the leafy almost suburban character of the setting of St Marys Church and its Churchyard. The setting back of the 3 storey duplex units helps to reduce the impact of the development on views from the east down Chapel Road and the relationship with the 2 and 3 storey Maryfield development to the east and south. Although this is quite a tall building (approximately 18 metres in height at its maximum) it is set back from the road frontage by 4 to 5 metres for the taller element and 14 metres in the case of the 3-storey section. The previously approved ice rink building proposed total site

coverage with a height of some 16 metres on the back edge of the pavement and would probably have had a more significant impact on the setting of the listed church than this proposal. Overall it is considered that this development would not adversely affect the setting of the listed church.

6.6 In terms of the quality of the new residential accommodation, the size of the flats and the internal arrangements are satisfactory with only a few solely north facing flats. The proposed duplex flats are dual aspect with an interesting layout. Due to the amount of site coverage, the need to retain the protected trees and the amount of surface level car parking, there are only small areas of communal amenity space at the rear of the building which is otherwise dominated by the large area of car parking. All the upper floor flats have balconies with the exception of the duplex flats which have only a front garden area. This site is within the city centre where the prevailing character is of high density developments with smaller gardens than would be provided in a more suburban location. Furthermore, the site is close to the central parks for more active recreational use and some flexibility is required in applying standards to ensure this long vacant site comes forward for development. Overall, it is considered that the development would not significantly affect the amenities of neighbours in terms of loss of light, privacy or outlook.

#### 6.7 Impact on neighbouring properties

The height of the development, now reduced to 6 storeys on the north west of the site is taller and of greater mass than other residential development in the close vicinity – Maryfield development being 3 storey and development on Chapel Road being 3 to 5 storeys. As it is on the north side of Maryfield it will not cast shadows over these properties however it may feel overbearing given that at its closest it is only 24m apart, although habitable rooms are not directly facing each other. The impact on the neighbours will be less than would have been the case with the ice rink proposal which proposed total site coverage. Overall, it is considered that the development would not significantly affect the amenities of neighbours in terms of loss of light, privacy, outlook or increased overshadowing.

#### 6.8 Highways and parking

Highways officers are satisfied with the proposed vehicular access, the car and cycle parking arrangements. The availability of car parking is a key determinant in the choice of mode of travel. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The level of parking equates to one space per two flats and it would not be possible to increase the amount of parking without creating underground spaces which is neither viable nor practical given the site is within a flood risk zone. Providing that future residents are not able to obtain a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the proposal is considered to be acceptable given this location.

#### 6.9 Flood Risk Issues

This site is partly within Flood Zones 1, 2 and 3. The flood risk assessment submitted with the application demonstrates that by raising the finished floor

level of the building to 4.5 metres AOD the accommodation would not be at risk of flooding in the 1 in 200 year flood event. The site is currently completely hardsurfaced so the introduction of areas of soft landscaping would introduce permeable areas to improve surface water drainage, the details of which can be covered by a condition. Further mitigation in the form of a flood evacuation plan can be incorporated within the Section 106 agreement.

## **7. Summary**

- 7.1 This is a long vacant site within the city centre where previous schemes have not proved to be deliverable. Despite not being an allocated residential site it is suitable for a high density flatted scheme given the nature of the surroundings. The proposals make efficient and effective use of the land with a reasonable balance between amenity space provision and car parking. The mix of dwellings falls short of the normal family housing target but the policy allows flexibility for high density parts of the city centre. The design is considered to be acceptable and the setting of the adjoining listed church would not be adversely affected. Neighbours amenities would not be detrimentally affected when compared with the previous ice rink proposal for the site.

## **8. Conclusion**

This application has been assessed as being acceptable to the local context and is in accordance with policy. The application is recommended for conditional approval, subject to the completion of a S.106 Legal Agreement.

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 3(a), 4(d), 4(f), 4(g), 4(r), 4(vv), 6(c), 7(a), 8(a), 9(a) and 9(b).

**RP2 for 23/04/2013 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 scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

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

#### **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 - 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.

**08. 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.

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

No development shall take place within the site until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

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

**10. 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.

**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. The measures shall include arrangements for vehicle parking by site operatives during construction. 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 - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

### **13. APPROVAL CONDITION - 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 St Mary Street and Marsh Lane 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.

### **14. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)**

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

REASON:

It is necessary to manage the roofs in order to minimise its attractiveness to birds which could otherwise endanger the safe movement of aircraft and the operation of Southampton Airport - BAA comments dated 9th May 2012 refer.

For information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs,

ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

**15. APPROVAL CONDITION - Piling Method (Pre-Commencement Condition).**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. To limit vibration, a continuous flight auger method is the preferred method and no percussion or impact driven piling activities should take place for pre-works, foundations, or as any part of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:**

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

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

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

**REASON**

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

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

The whole of the car parking, cycle storage and servicing facilities shown on the approved plans shall be laid out and made available before the use of the building to which these facilities relate commences and thereafter retained solely for the use of the occupants and visitors to the site and for no other purpose.

**REASON**

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

**18. APPROVAL CONDITION - Refuse facilities (Pre-Occupation Condition)**

The refuse storage facilities, which shall include recycling facilities, as shown on the approved drawings shall be provided before the use to which the facility relates has been provided. Prior to installation of the facilities, details of the design of the structure including lighting, gradient to the entrance of the store and means of locking shall be submitted to and approved in writing by the Local Planning Authority. The storage area shall be constructed in accordance with these approved details and retained thereafter.

## REASON

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

### **19. 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).

### **20. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]**

With the exception of the areas shown on the approved drawings as terraces/balconies the roof area of the building hereby approved which incorporates a flat roof surface shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

## Reason:

In order to protect the privacy of adjoining occupiers.

### **21. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the 'Former Chantry Hall Site, CSH Ecology Checklist, Final Document, February 2013' submitted with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

## Reason

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

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

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use.

## Reason:

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

### **23. 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.

#### **24. 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.

#### **25. APPROVAL CONDITION - Surface Water Drainage (Pre-Commencement Condition)**

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm (30% climate change allowance) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The details shall also specify how the scheme will be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding, both on and off site.

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

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

Reason:

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

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

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS3  | Promoting Successful Places                                |
| CS4  | Housing Delivery   |
| CS5  | Housing Density  |
| 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                    |
| 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                                    |
| 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                          |
| 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                  |
| H7    | The Residential Environment                |
| MSA1  | City Centre Design                         |
| MSA12 | St. Mary's Area                            |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

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

Parking Standards (September 2011)

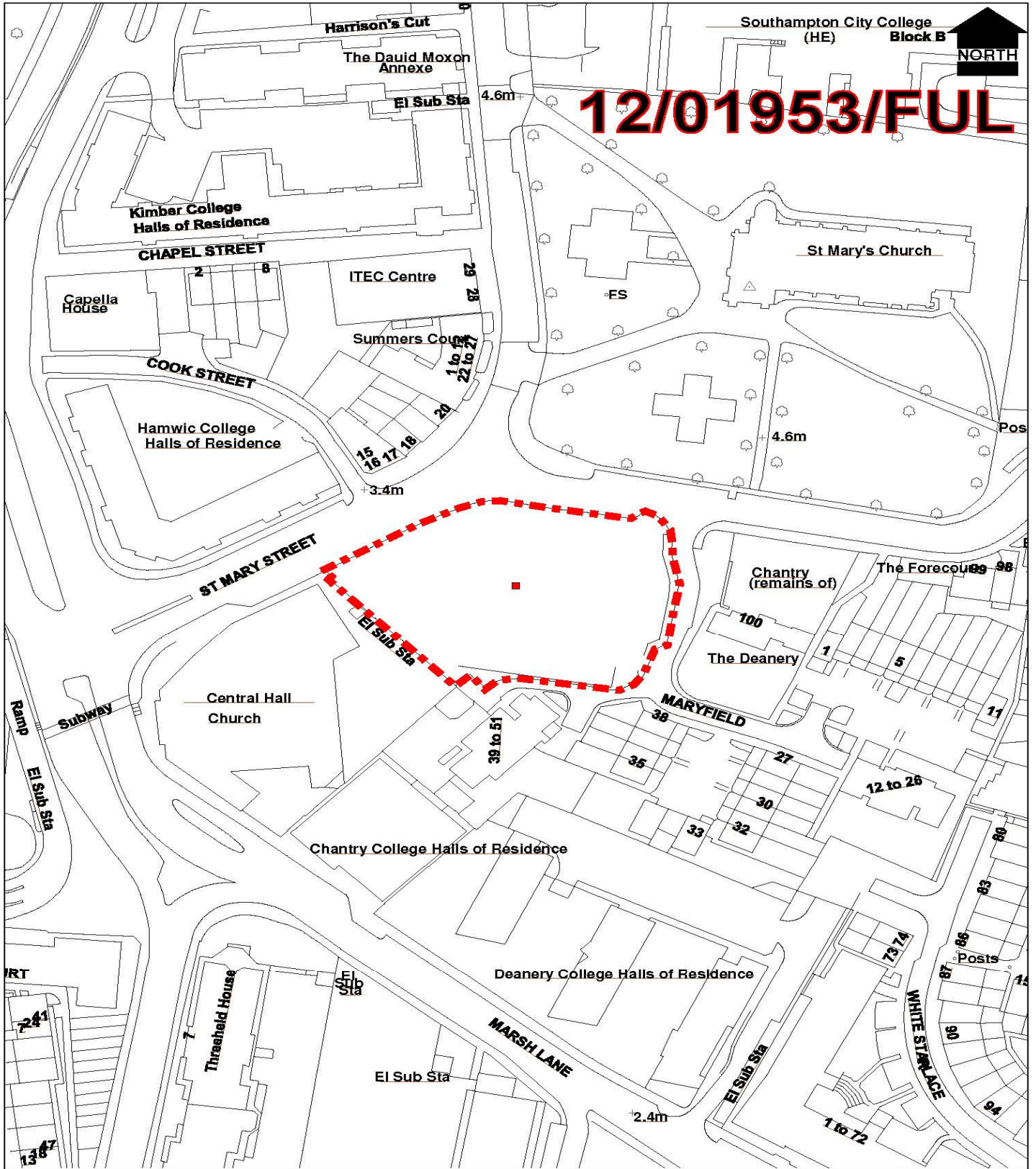
Other Relevant Guidance

The National Planning Policy Framework 2012

City Centre Action Plan – Preferred Approach (January 2012)

The Development Design Guide (2004)





Scale : 1:1250

Date : 10 April 2013

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# Agenda Item 6

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 23 April 2013**  
**Planning Application Report of the Planning and Development Manager**

|   |   |                             |   |
|---|---|-----------------------------|---|
| <b>Application address:</b><br>20 Elmsleigh Gardens SO16 3GF  |   |                             |   |
| <b>Proposed development:</b><br>Part Two Storey, Part Single Storey Side And Rear Extensions To Existing C4 HMO |   |                             |   |
| <b>Application number</b>   | 13/00215/FUL  | <b>Application type</b>     | FUL   |
| <b>Case officer</b>   | Stuart Brooks   | <b>Public speaking time</b> | 5 minutes                                       |
| <b>Last date for determination:</b>   | 02.04.2013  | <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 L Harris<br>Cllr B Harris<br>Cllr Hannides |

|                            |   |
|----------------------------|---|
| <b>Applicant:</b> Mr Singh | <b>Agent:</b> Sanders Design Services Ltd |
|----------------------------|---|

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

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that the occupancy of the property by one additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

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

## Recommendation in Full

### Conditionally approve

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

- 1.1 The application site is located on the north east side of Elmsleigh Gardens to the north of Burgess Road, within Bassett ward. This attractive residential street is comprised of detached and semi detached dwellings with a mix of styles, and a mature landscaping.
- 1.2 The site contains a 2 storey detached dwelling which is well set back from the street, with a side driveway leading to a garage. The property is established as a small HMO (class C4) with 4 bedrooms (the lounge is used as a bedroom), and communal facilities including a bathroom, kitchen, diner, and toilets.

## **2.0 Proposal**

- 2.1 It is proposed to erect a part two storey, part single storey rear extension and a single storey side extension to an existing C4 HMO. This will extend an existing bedroom on the first floor, and provide an additional bedroom and larger kitchen and dining facilities on the ground floor.

## **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 Following the Article 4 direction coming into affect on March 23<sup>rd</sup> 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Bassett. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23<sup>rd</sup> March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

## **4.0 Relevant Planning History**

- 4.1 There is no relevant planning history.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **13** representations have been received from surrounding residents, including 11 letters of objection and 2 of support. The comments are summarised below:

### **5.2 Comment**

The increase in occupants and resultant visitors will increase noise disturbance to neighbours, as well as 18 Elmsleigh Gardens due to the narrowing of the adjoining side passage.

### **Response**

The tenancy agreements submitted shows there are currently 4 unrelated occupants. Resultantly, there will be an additional bedroom to allow 1 more occupant. It is considered that the noise and activities associated with the intensification of use of 1 additional occupant will not significantly be different to the existing occupation. An additional occupant will not result in a material change of use of the property, which will remain as a small HMO (class C4). Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed. Noise disturbance is enforced separately under Environmental Health legislation.

### **5.3 Comment**

The size and cost of the extension being proposed seems excessive for the provision of one extra bedroom and it is a matter of concern that the number of occupants could exceed what is shown. With the potential for 6/7 occupants, as the garage to the rear may be converted to a bedroom when it is hidden from view, as well as the lounge.

### **Response**

The proposed floor layout shows an open plan lounge and kitchen, which will be conditioned to be retained as shown to ensure that there is sufficient communal space for residents. The applicant is entitled to have upto 6 residents occupying the property as it is established as a small HMO, where there is no material change of use, however, there is potential for a maximum of 5 residents as there is only 5 bedrooms.

### **5.4 Comment**

HMOs are profit making business more akin to boarding houses than social housing. The applicant has applied for a 'householder' when it is currently occupied by 4 tenants, even though permitted development rights have been withdrawn under the Article 4 direction dated 23<sup>rd</sup> March 2012.

### **Response**

As a small HMO is a dwelling, the applicant is able to apply for permission under a householder application. Permitted development rights for householders still apply to small HMOs. The financial business of the landlord is not a material planning consideration. The applicant is not required to occupy the property to be able to apply under a householder application.

5.5 Comment

The applicant may have more than one name as stated on the application form, and this is insufficient to identify the owner of no. 20 without reference to the Land Registry.

Response

The applicant is duty bound to provide accurate information on the application form, and the LPA should take the information provided in good faith.

5.6 Comment

The neighbour will be unable to erect scaffolding to maintain the side of their property to detriment of their amenity.

Response

There is no planning restriction on the applicant building up to the boundary of their land. This is a civil matter to be resolved between the adjoining landowners.

5.7 Comment

There is insufficient gap to the side between the south east boundary for bin access and emergency access for an event such as a fire.

Response

The gap will be 860mm, which is sufficient to fit up to a 360 litre bin (large household bin) with a width of 600mm. A condition will be applied to require the bins to be stored to the rear except on collection days. The access for emergencies is assessed under other statutory legislation separate to the planning application.

5.8 Comment

There will be insufficient amenity space remaining, and loss of garden space will increase possibility of local flooding.

Response

The area of remaining amenity space will be approximately 90 square metres with a length of 10 metres. This is equivalent to the minimum standards in the Council's Residential Design Guide for a detached dwelling. Furthermore, it is considered that the amount of space remaining will not significantly affect surface run off drainage.

5.9 Comment

The removal of a parking space as result of the side extension and the increase in residents will result in increased on street parking, changing the residential character of the area. On street parking is under pressure from visitors to the University main campus.

Response

The Highway Officer has raised no concerns to the impact on highway safety from the loss of parking. The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed is unchanged. In addition, there is off-road parking on the forecourt for two vehicles. The maximum parking standards for a 5 bed HMO is 3 spaces; with 2 on site and the potential of a permit parking space, this complies with the standards.

- 5.10 Comment  
The increase in the number of residents will result in overflowing refuse bins, and they will then put their waste in neighbour's bins.
- Response  
It is considered that there would not be significantly more refuse generated by 1 additional occupant. The standards in the Residential Design Guide requires 2 x 240 litre bins for households with less than 6 residents and, therefore, the existing number of bins is sufficient. Nuisance caused by littering or overflowing bins is enforced separately by other Council departments.
- 5.11 Comment  
The proposed extension is an overdevelopment and will be out of character with the local area, which is characterised by properties with reasonably spacious gardens, and suitable distance between individual houses.
- Response  
It considered that the scale and massing of the proposed extension will be in keeping with the dwelling, as it will appear subservient in size, and the main part of the extension visible from the street will be a single storey side element well set back from the front wall of the original dwelling. The size of garden is equivalent to detached dwelling in the suburbs under the Council's minimum standards.
- 5.12 Comment  
Property values will be devalued.
- Response  
This is not a material planning consideration.
- 5.13 Comment  
This will set a precedent. The applicant is seeking further permission to extend a HMO, where they are already building out an extension at 1 Elmsleigh.
- Response  
The Council decides each case on its own individual merits.
- 5.14 Comment  
Enlarging the existing HMO is unnecessary as there is already sufficient number of HMOs for students in the local area. This will further increase the concentration of HMOs and the number of transient residents and, therefore, unbalance the mix of households and long term residents in the local community, which will contrary to policy CS16.
- Response  
As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs and, therefore, the application is not contrary to policy CS16. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

5.15 Comment  
There will be a harmful loss of the privacy to neighbours.

Response

The proposed extension will not result in direct overlooking of habitable rooms nor private garden areas of the adjoining dwellings.

5.16 **SCC Highways** – No objection.

5.17 **SCC Environment Health Housing** – No comments received, will update at Panel meeting, if any are received.

**6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) under permitted development rights prior to 23rd March 2012. The applicant has provided a 12 month signed tenancy agreement for 4 tenants from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012, and 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013.

6.2.2 The 10% threshold applicable to this site which falls within the Bassett Ward does not apply, as the HMO is already established as a small HMO on 23<sup>rd</sup> March 2012 and there will be no increase in the concentration of HMOs (section 6.7 refers).

6.2.3 An additional occupant will not result in a material change of use of the property, which will remain as a small HMO. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

6.3 Impact on the character and amenity of the surrounding area

6.3.1 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Within the class C4 HMO up to 6 unrelated occupants can live in a property without a material change of use occurring which requires planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of impact on amenity and character.

6.3.2 There will be an additional bedroom to allow 1 more occupant, where the ground floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the intensification of use of 1 additional occupant will not significantly be different to the existing occupation. It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than



students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.

6.3.3 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs.

6.3.4 It is considered that the scale and massing of the proposed extension will be in keeping with the dwelling, as it will appear subservient in size, and the main part of the extension visible from the street will be the single storey side element, which is well set back from the front wall of the original dwelling. The visual gap between no. 18 will be maintained as the side extension is single storey in scale.

#### 6.4 Impact on amenity of neighbouring occupiers

6.4.1 There are no habitable room windows affected in the side elevation of the neighbouring properties affected. The depth of the proposed rear extension at single storey level will project 4m from the rear of the original dwelling, with an eaves and ridge height of 2.4 and 3.7m. There is sufficient separation from the closest habitable room windows to ensure there is no adverse impact on the outlook and light of the neighbouring occupiers. Furthermore, there will be no adverse impact, given the 2m separation distance of the 2 storey element (depth of 3m) from the common boundary of the no. 18.

6.4.2 The proposed extension will not result in direct overlooking of habitable rooms nor private garden areas of the adjoining dwellings and, therefore, adversely affect the privacy of the neighbouring occupiers.

#### 6.5 Impact on highway safety

6.5.1 The Highway Officer has raised no concerns to the impact on highway safety from the loss of parking. The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed is unchanged. In addition, there seems to be off-road parking on the forecourt for two vehicles. The maximum parking standards for a 5 bed HMO is 3 spaces; with 2 on site and the potential of a permit parking space, this complies with the standards.

#### 6.6 Standard of living conditions for future residents

6.6.1 It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 90 square metres with a length of 10 metres. This is equivalent to the minimum standards in the Council's Residential Design Guide for a detached dwelling. The communal spaces, including the lounge, will be retained by condition.

### 7.0 Summary

7.1 In summary, it is considered that an additional person will not materially affect the character of the local area in terms of the balance of households in the local

community, and will not adversely affect the amenity of local residents or highway safety.

## **8.0 Conclusion**

In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

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

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

### **SB for 23/04/13 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 - Materials to match [Performance Condition]**

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

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

#### **04. APPROVAL CONDITION - Retention of communal spaces**

The rooms labelled lounge and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved

and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

**REASON**

To ensure that a suitable communal facilities are provided for the residents.

**05. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]**

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

**Reason:**

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

**06. 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  
CS16          Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

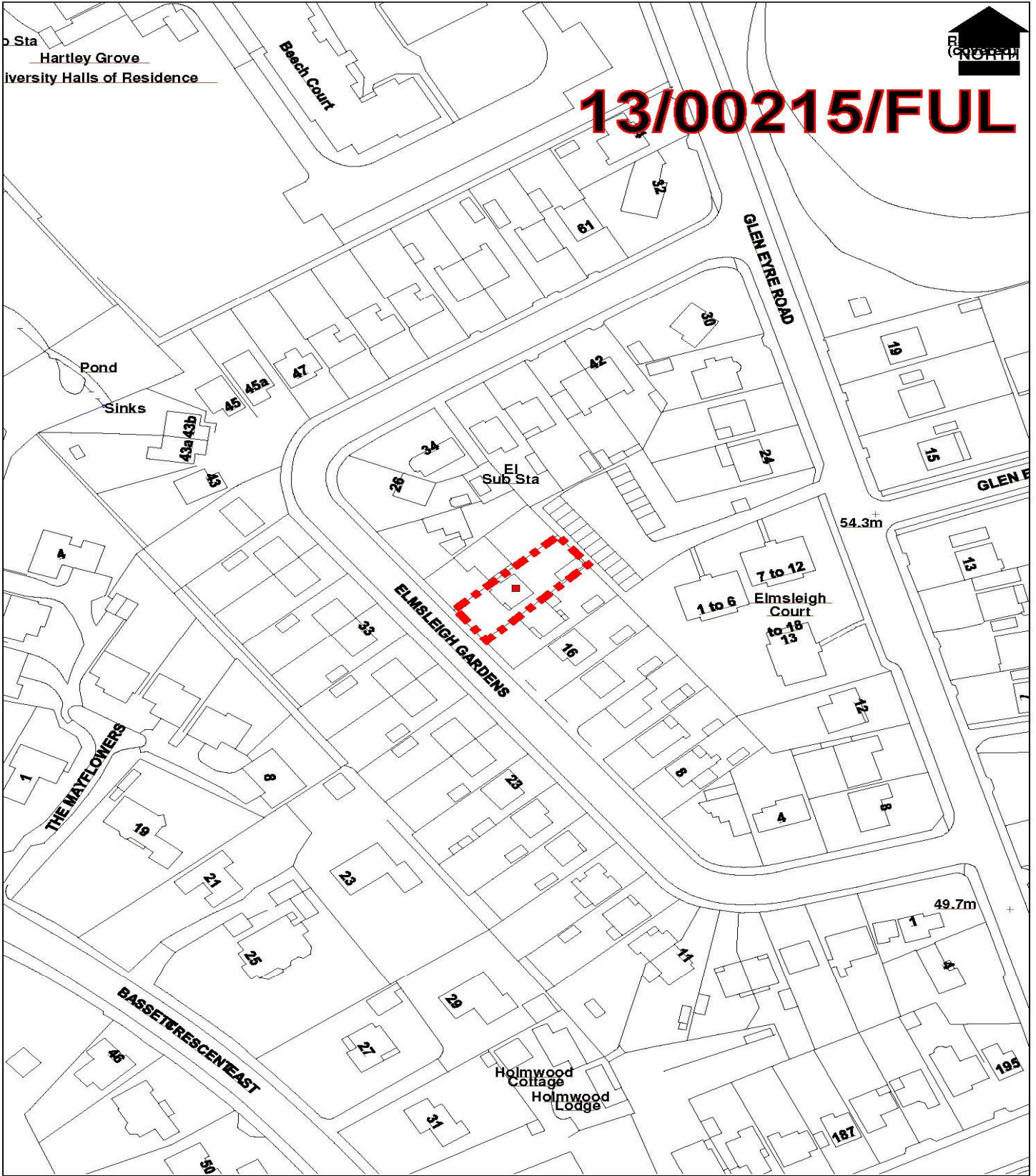
SDP1          Quality of Development  
SDP7          Urban Design Context  
SDP9          Scale, Massing & Appearance  
H4             Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)  
Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



**13/00215/FUL**

Scale : 1:1250

Date : 10 April 2013

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# Agenda Item 7

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel 23 April 2013**  
**Planning Application Report of the Planning and Development Manager**

|  |   |                             |  |
|--|---|-----------------------------|--|
| <b>Application address:</b><br>75 Upper Shaftesbury Avenue SO17 3RU  |   |                             |  |
| <b>Proposed development:</b><br>Erection of a part 2-storey part single storey side/rear extension to existing class C4 property |   |                             |  |
| <b>Application number</b>  | 12/01884/FUL  | <b>Application type</b>     | FUL  |
| <b>Case officer</b>  | Stuart Brooks   | <b>Public speaking time</b> | 5 minutes                                  |
| <b>Last date for determination:</b>  | 08.02.2013  | <b>Ward</b>                 | Portswood                                  |
| <b>Reason for Panel Referral:</b>  | Referred by the Planning & Development Manager due to wider public interest | <b>Ward Councillors</b>     | Cllr Vinson<br>Cllr Claisse<br>Cllr Norris |

|                               |   |
|-------------------------------|---|
| <b>Applicant:</b> Mr Chhokran | <b>Agent:</b> Sanders Design Services Ltd |
|-------------------------------|---|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The impact of the development, in terms of design and neighbouring amenity, highway safety and parking is considered to be acceptable. It is considered that the occupancy of the property by one additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents by reason of additional activity, noise or other impact. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 of the Local Development Framework Core Strategy Development Plan Document (January 2010) a supported by the Houses in Multiple Occupation Supplementary Planning Document (March 2012).

|                          |                                     |   |   |
|--------------------------|-------------------------------------|---|---|
| <b>Appendix attached</b> |                                     |   |   |
| 1                        | Development Plan Policies           | 2 | Appeal decision - 1 Blenheim Gardens    |
| 3                        | Appeal decision - 13 Grosvenor Road | 4 | Appeal decision - 53 Shaftesbury Avenue |

### Recommendation in Full

### Conditionally approve

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

- 1.1 The application site is located on the west side of Upper Shaftesbury Avenue to the east of Portswood Road, within Portswood ward. This is mainly a residential street comprised of detached and semi detached dwellings with a mix of styles.
- 1.2 The site contains a 2 storey semi-detached dwelling, with a side car port. The property is established as a small HMO (class C4) with 4 occupants, and communal facilities including a bathroom, kitchen, diner, and toilets.

## **2.0 Proposal**

- 2.1 It is proposed to erect a part two storey, part single storey side and rear extensions to an existing C4 HMO.
- 2.2 The applicant agreed to submit amended plans to address concerns with regards to impact on the amenity of no. 77, by retaining the same footprint, with the two storey extension repositioned to the rear, and the side extension becoming single storey. As a result, an existing bedroom on the first floor will be extended to the rear, and an additional bedroom and dining facilities provided on the ground floor.

## **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 Following the Article 4 direction coming into affect on March 23 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area.
- 3.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 10% for the total number of HMOs in the ward of Portswood. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23 March 2012, the threshold does not apply in this case. There will be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).



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

4.1 There is no relevant planning history.

#### **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. Following the receipt of amended plans, the application has been reconsulted for 14 days, which will expire on 19 April. Any further comments will be reported at the panel meeting. At the time of writing the report **3** representations have been received from surrounding residents, where the concerns raised have been set out below:

##### **5.2 Comment**

The property is not established as a C4 HMO.

##### **Response**

The applicant is duty bound to provide accurate information on the application form, and the LPA should take the information provided in good faith. To demonstrate that the property was occupied on 23<sup>rd</sup> March 2012 (effective date of Article 4 direction), the applicant has provided a 12 month signed tenancy agreement for 4 tenants from 16<sup>th</sup> March 2012 to 16<sup>th</sup> September 2012, and 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013.

##### **5.3 Comment**

Loss of light and privacy to the neighbouring properties.

##### **Response**

This is addressed in section 6.4 of the report.

##### **5.4 Comment**

Overdevelopment of the site, and disproportionate development in bulk and size, which would be out of character with the local area.

##### **Response**

This is addressed in section 6.3 of the report.

##### **5.5 Comment**

There would be insufficient parking, and there is already insufficient parking for existing residents.

##### **Response**

The Highway Officer has raised no objection, as there is still space for on site parking in front of the extension which is currently used.

##### **5.6 Comment**

The extension would result in the potential for more than 6 occupants and, therefore, require further permission for a change of use to a large HMO (sui generis). Previous appeal decisions in the local area held that an increase in number of occupiers would create material harm, including 1 Blenheim Gardens (ref no. 2156569), 13 Grosvenor Road (ref no. 2167641), 53 Shaftesbury Avenue

(ref no. 2177575) (see attached **Appendices 2-4**).

#### Response

The proposed floor layout shows a lounge, dining room, and kitchen, which will be retained as shown by condition to ensure that there is sufficient communal space for residents. The applicant is entitled to have up to 6 residents occupying the property without a material change of use as it is established as a small HMO, however, there is potential for a maximum of 5 residents as there is only 5 bedrooms.

The appeal decisions cited at 1 Blenheim Gardens and 13 Grosvenor Road refer to the harm caused by change of use to a large HMO and, therefore, these cases are different in nature to this application as the property will not change use from a small to a large HMO. The appeal decision at 53 Shaftesbury Avenue refers to subdividing a large HMO into two small HMOs, which is materially different to the circumstances in this application, as an additional HMO was being created.

#### 5.7 Comment

There will be insufficient amenity space remaining.

#### Response

The area of remaining private amenity space will be approximately 170 square metres with a length of 22 metres. This exceeds the minimum standards in the Council's Residential Design Guide for a detached dwelling.

5.8 **SCC Highways** – No objection.

5.9 **SCC Environmental Health Housing** – No objection.

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

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

#### 6.2 Principle of Development

6.2.1 The property has been occupied as a small HMO (class C4) under permitted development rights prior to 23rd March 2012. To demonstrate that the property was occupied on 23<sup>rd</sup> March 2012 (effective date of Article 4 direction), the applicant has provided a 12 month signed tenancy agreement for 4 tenants from 16<sup>th</sup> March 2012 to 16<sup>th</sup> September 2012, and 1<sup>st</sup> July 2012 to 30<sup>th</sup> June 2013.

6.2.2 The 10% threshold applicable to this site which falls within the Portswood Ward does not apply, as the HMO is already established as a small HMO on 23<sup>rd</sup> March 2012 and there will be no increase in the concentration of HMOs (section 6.7 refers).

6.2.3 An additional occupant will not result in a material change of use of the property,

which will remain as a small HMO. Section 6.11 of the HMO SPD states that in these circumstances only the physical impact of the extension will be assessed.

### 6.3 Impact on the character and amenity of the surrounding area

6.3.1 No survey of existing HMOs in the surrounding area has been carried as the threshold limit does not apply. Within the class C4 HMO up to 6 unrelated occupants can live in a property without a material change of use occurring which requires planning permission and, therefore, the Uses Classes Order classifies the difference between 3 to 6 occupants being no different in terms of impact on amenity and character.

6.3.2 There will be an additional bedroom to allow 1 more occupant. The ground floor communal spaces will be retained by condition to provide an acceptable residential environment. It is considered that the noise and activities associated with the intensification of use of 1 additional occupant will not significantly be different to the existing occupation.

6.3.3 It is noted that the occupants are likely to be students, however, a HMO can be occupied by different groups other than students and, therefore, the planning assessment should not single out the behaviour or lifestyles of students. It is noted that complaints have been investigated by the Council about the behaviour of students in the local area, and this will be enforced under Environmental Health powers.

6.3.4 As the property is already established as a HMO, the existing concentration of HMOs and mix of households (permanent and transient) in the local community will not change, as well as not adding to the overall supply of HMOs.

6.3.5 It is considered that the scale and massing of the proposed extension will be in keeping with the appearance and character of the dwelling, as it will appear subservient in size, and the main part of the extension visible from the street will be the single storey side element, which is well set back from the front wall of the original dwelling. The visual gap between no. 77 will be maintained as the side extension is single storey in scale.

### 6.4 Impact on amenity of neighbouring occupiers

6.4.1 The Case Officer raised concerns with regards to the impact of the proposed two storey side extension resulting in the loss of light to the ground floor side bedroom window at no. 77. To address these concerns the applicant agreed to reposition the two storey extension to the rear, with the side extension becoming single storey to a lowered eaves height of 2.1m. As a result, the height of the proposed single storey side extension will ensure that the light serving the neighbour's bedroom is sufficiently retained. The proposed ground floor side bathroom window will be obscure glazed, which will ensure there is no loss of privacy to the adjacent bedroom window.

6.4.2 The proposed ground floor rear extension adjacent to the common boundary with no. 73 to the north has a depth of 3.7m, with an eaves and ridge height of 2.7 and 3.6m. Given the orientation of the proposed extension and its height visible above a 2m high fence (fence allowed under permitted development), it is considered that there will be no adverse impact on the light and outlook of the neighbouring

occupiers. Furthermore, there is sufficient separation distance of the proposed 2 storey rear extension from the neighbouring occupiers to ensure that there is no adverse impact on amenity. There is no direct overlooking of the neighbour's private garden space or habitable rooms and, therefore, their privacy will not be adversely affected.

## 6.5 Impact on highway safety

6.5.1 The site lies within a residents parking zone with limited number of permits allocated per address. As this development does not affect the number of addresses on site, the level of permits allowed for on street parking is unchanged. The Highway Officer has raised no objection, as there is still space for on site parking in front of the extension which is currently used and, therefore, it is considered that there will be adverse impact on highway safety.

## 6.6 Standard of living conditions for future residents

6.6.1 The Council's Environmental Health Housing team have raised no objection to the standard of accommodation, subject to the applicant providing sufficient fire precautions, and retaining the communal spaces as proposed. It is considered that the proposed layout of accommodation will provide an acceptable residential environment in terms of access to outlook, light and privacy. The area of remaining amenity space will be approximately 170 square metres with a length of 22 metres. This exceeds the minimum standards in the Council's Residential Design Guide for a detached dwelling. The communal spaces, including the lounge, will be retained by condition.

## 7.0 Summary

7.1 In summary, it is considered that an additional person will not materially affect the character of the local area in terms of the balance of households in the local community, and will not adversely affect the amenity of local residents or highway safety.

## 8.0 Conclusion

8.1 In conclusion, the proposal will be in accordance with the Council's current adopted guidance and policies and have acceptable impact. As such the proposal is recommended for conditional approval.

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

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

**SB for 23/04/13 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 - Materials to match [Performance Condition]**

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

Reason:

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

### **04. APPROVAL CONDITION - Window specification limitations [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 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, the ground floor bath window on the north elevation facing shall only be top-opening and fitted with obscure glazing. The windows shall be retained in this manner for the duration of use of the building for residential occupation.

Reason:

To protect the amenity and privacy of the adjoining property.

### **05. APPROVAL CONDITION - Retention of communal spaces**

The rooms labelled lounge and kitchen on the ground floor layout shall be made available for use by all of the occupants prior to first occupation of the extension hereby approved and, thereafter, shall be retained for communal purposes only whilst the property is in C4 use.

REASON

To ensure that a suitable communal facilities are provided for the residents.

**06. APPROVAL CONDITION - Refuse storage and collection [Performance Condition]**

Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the buildings hereby approved.

Reason:

In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

**07. 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:

The inspection chamber indicated to the side of the existing building is relocated so it remains external to the building. The applicant is advised that additional fire precautions may be required and they should contact Environmental Health Housing on 023 8083 3000.



Scale : 1:1250

Date : 10 April 2013

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**Application** 12/01884/FUL

## **POLICY CONTEXT**

### Core Strategy - (January 2010)

|      |                      |
|------|----------------------|
| CS4  | Housing Delivery     |
| CS16 | Housing Mix and Type |

### City of Southampton Local Plan Review – (March 2006)

|      |                               |
|------|-------------------------------|
| SDP1 | Quality of Development        |
| SDP7 | Urban Design Context          |
| SDP9 | Scale, Massing & Appearance   |
| H4   | Houses in Multiple Occupation |

### Supplementary Planning Guidance

Houses in Multiple Occupation (Approved – March 2012)  
Residential Design Guide (Approved - September 2006)  
Parking Standards SPD (September 2011)

### Other Relevant Guidance

The National Planning Policy Framework 2012

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## Appeal Decision

Site visit made on 29 November 2011

**by David Richards BSocSci DipTP MRTPI**

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

**Decision date: 9 January 2012**

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**Appeal Ref: APP/D1780/C/11/2156569**

**1 Blenheim Gardens, Southampton, SO17 3RN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr B Punia against an enforcement notice issued by Southampton City Council.
- The Council's references are BL/EP05/05/0329 & 10/00431/ENCOU.
- The notice was issued on 30 June 2011.
- The breach of planning control as alleged in the notice is: without planning permission, change of use of the property from a single dwelling house to an 8 bedroom house in multiple occupation (HMO).
- The requirements of the notice are: a) Cease the use of the property as an 8 bedroom house in multiple occupation (HMO); and b). Return the property to its authorised planning use as a single dwelling house (C3 Use) or as a property in multiple occupation (HMO) for up to but no more than 6 occupants (C4 use).
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding on the ground set out in section 174 (a) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the enforcement notice is corrected and upheld.**

---

### Procedural matter

1. In section 4 of the Notice, the Council states that "it appears to the Council that the above breach of planning control has occurred within the last four years." Where a change of use from a single dwelling-house to a large house in multiple occupation (i.e. those with more than six people sharing) is alleged to have occurred, the appropriate period for immunity from enforcement is ten years. The Council and Appellant were advised of this by letter. The Council had no objection to the notice being amended in this way. The Appellant was asked whether he wished to add an appeal on ground (d), and to confirm this, with supporting facts, if so. Following this correspondence, no indication was given that the Appellant wished to pursue an appeal on ground (d). In the circumstances I can correct the notice accordingly without injustice.

### Main Issues

2. The appeal is made on ground (a), i.e. that planning permission should be granted for what is alleged in the notice.
3. Planning permission is not required for the change of use from a dwelling house to a house in multiple occupation which falls within Class C4, (i.e. a small shared house or flat occupied by between three and six unrelated individuals

who share basic amenities). However it is not disputed that the property is currently occupied by 8 people, and that planning permission is required.

4. The main issues are the effects of granting planning permission for a change of use to a large (sui generis) HMO on the living conditions of neighbours, and on the character of the surrounding area.

## **Reasons**

### *Living conditions*

5. Policy CS 16 of the Southampton Core Strategy (CS) provides the most up-to-date adopted policy context for the appeal. It states that the Council will provide a mix of housing types and more sustainable and balanced communities through control of HMOs, amongst other things, particularly those properties which provide accommodation for students. Policy H4 of the City of Southampton Local Plan Review (LP) states that planning permission will only be granted for conversions to housing in multiple occupation where it would not be detrimental to the residents of nearby properties, nor to the overall character and amenity of the surrounding area, and where adequate amenity space is provided. Policy SDP 1 resists development which would unacceptably affect the health, safety and amenity of the city and its citizens.
6. Whilst it has been argued that occupancy by two additional people has no effect on the living conditions of neighbours, I consider that the effect would be perceptible, and would result in additional material harm to the living conditions of neighbours when compared to occupation as a family dwelling or a small HMO. Occupiers of neighbouring properties have recorded problems of noise and disturbance late at night, and while this may represent no more than high-spirits, it is nevertheless harmful to their living conditions. Two extra people returning late at night would only increase the potential for unreasonable disturbance to be experienced by neighbours. The problem would be particularly acute for the occupiers of the property immediately adjoining (No 3 Blenheim Gardens), but other nearby properties could also be adversely affected. I accept that the additional bedrooms are on the eastern side of the property, away from the attached house in the terrace, but nevertheless the residents would use the same entrance from Blenheim Gardens, with the potential to increase the intensity of problems experienced by neighbours. The availability of these rooms away from the common boundary for communal purposes could also reduce the potential for noise to be transmitted through the walls.
7. To my mind the occupancy of the property by eight people represents an over intensive use of the site, which gives rise to material harm to the living conditions of immediate neighbours. I therefore conclude on this issue that granting planning permission would conflict with Policies SDP 1 and H4 of the LP, and CS Policy 16.

### *Character of the surrounding area*

8. The surrounding area is predominantly residential, the immediate area consisting of a mix of detached and semi-detached two-storey properties. The property itself has previously been extended, though no change of use was sought. While objectors consider that the extensions are out of character with the neighbourhood, they are authorised, and the change of use to a 'large'

HMO now under consideration would involve no further change in the appearance of the dwelling.

9. The plan attached to the Council's statement indicates that a high proportion of dwellings in the area remain in family occupation, though there has already been some change in the character of this end of Blenheim Gardens, and the western side of Upper Shaftesbury Avenue, with a substantial number of HMOs present. However the Council's evidence shows that these are 'small' HMOs, occupied by no more than 6 people. While I accept that 'small' HMOs and even family housing can, if occupied unreasonably, give rise to similar issues for the neighbourhood, I conclude on balance that, in view of the effect on living conditions of neighbours, granting planning permission for a 'large' HMO in this context would also result in an unacceptable change in the character of the surrounding area, with associated potential to increase problems of public and private amenity.
10. I have considered whether granting permission for occupancy by more than 6 people would increase pressure on on-street parking. I note that the property is close to the university and to bus routes, so that public and other non-car means of transport are viable options. I also note that parking in the area is controlled during the daytime. While there were spaces available at the time of my site visit, I recognise the potential for pressures that are reported to be evident at other times. While many of the current occupiers may not own cars, there would be nothing to stop the nature of occupancy changing in future, with the potential for increased pressure on parking in comparison to occupancy by 6 individuals, or by a single household.
11. The Council also raised concerns about the adequacy of provision for refuse. If I were to conclude that the change of use was otherwise acceptable I consider this matter could be addressed by a condition. However, this does not alter my conclusion that granting permission would have an unacceptable effect on the character of the area, in conflict with LP Policy H4
12. I acknowledge that there are a number of properties in the area which are in use as HMOs, and there is nothing to prevent other existing family dwellings being used as HMOs within Class C4. The Council states that it intends to apply an Article 4 direction across the City to make it necessary to apply for planning permission for conversions from Class C3 to Class C4. As there is no direction currently in place I cannot give this any weight in considering the planning issues. However planning permission is required for a change of use to a large (sui generis) HMO, and for the reasons given I consider that planning permission should not be granted in this instance.

## **Conclusions**

13. Policy CS 26 of the Core Strategy provides that proposals to convert a building to an HMO will be assessed by balancing the contribution that such a conversion will make to meeting housing demand against the potential harm to the character and amenity of an area and the suitability of the property concerned. I accept that the property as currently occupied meets a demand for student accommodation in the area. However, this does not outweigh the harm to the living conditions of neighbours and the character of the area that I have identified.

14. For the reasons given above I conclude that the appeal should not succeed. I uphold the enforcement notice as corrected, and refuse to grant planning permission on the deemed application.

**Decision**

15. The enforcement notice is corrected by: the deletion of the words 'last four years' and replacement by 'last ten years' in the second line of Section 4 (The reasons for issuing the notice). Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*David Richards*

INSPECTOR



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## Appeal Decision

Site visit made on 28 May 2012

**by R J Perrins MA MCI ND Arbor**

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

**Decision date: 11 July 2012**

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**Appeal Ref: APP/D1780/C/11/2167641**  
**13 Grosvenor Road, Southampton SO17 1RU.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr H Singh against an enforcement notice issued by Southampton City Council.
  - The Council's reference is EP05/05/0331.
  - The notice was issued on 28 November 2011.
  - The breach of planning control as alleged in the notice is without planning permission, the change of use of the land from a single dwelling house to two separate dwelling houses each occupied as a house in multiple occupation by 7 persons and 8 persons respectively.
  - The requirements of the notice are:
    - (i) Cease to use the land as two separate dwelling houses in multiple occupation and
    - (ii) Return the use of the land to its authorised planning use as a single dwelling house (C3 Use).
  - The period for compliance with the requirements is two months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Application for costs

2. An application for costs was made by the appellant against the Council and by the Council against the appellant. These applications will be the subject of separate Decisions.

### Preliminary matters

3. On 27 March 2012, the Government issued the National Planning Policy Framework (the Framework), which sets out planning policies for England and how these are to be applied. At the heart of the Framework is a presumption in favour of sustainable development. As the Framework is a material consideration and was issued after the submission of evidence, both main parties were invited to submit further representations in the light of its publication, to which I have had regard.
4. The internal layout of the premises, as considered below, is reflected in the allegation and forms the basis of the ground (a) appeal which seeks permission

for the matters alleged. I say that given the appellant has referred to the deemed planning application as being that which could be considered alongside drawings which have been submitted with the appeal. Those drawings show a revised internal layout which, amongst other things, would subdivide the ground floor of the original part of the dwellinghouse, close a side access, and introduce a combined access for two reconfigured units to the front of the property. They also show a proposed refuse store. These changes would not be minor and I am unable to consider them as they have not been subject to the usual planning consultation process. The deemed planning application is for the matters alleged in the notice; it cannot be used to gain planning permission for something materially different.

### **The appeal on ground (a)**

5. I consider the main issues in this case to be the impact of the use upon; the living conditions of occupiers of the premises and surrounding dwellings; and upon the character of the area.

#### *Living Conditions*

6. Policy H4 of the Southampton Local Plan Review (LP) states that permission will only be given for conversions to Houses in Multiple Occupation (HMOs) where there is no detriment to the residents of nearby properties and the character and amenity of the surrounding area. Policy SDP7 seeks developments which, amongst other things, integrate into the local community. Policy SDP16 states that noise generating development will not be permitted where it would cause an unacceptable level of noise impact.
7. The main entrance facing Grosvenor Road serves the front part of the premises; that which covers three floors and consists of a kitchen/dining room and lounge on the ground floor and eight bedrooms and two bathrooms over the first and second floors. An internal door between the front and rear of the property was locked at the time of my site visit and a key had to be sought to open it. Access to the rear of the property was via a side entrance. Given that lack of readily available access and the configuration of kitchens, lounges, bathrooms and bedrooms, it was evident that the two parts of the property were being used separately and as reflected by the enforcement notice. The rear part, which includes three bedrooms on the ground floor of the original house and a large single storey rear extension, consists of a kitchen, lounge/dining room, seven bedrooms a bathroom and separate toilet.
8. The appellant argues that the primary access point would be moved and the side access point would be blocked up and any 'unsocial hours' use would be to the front only. However, as explained in my preliminary matters I am unable to consider such alterations. The current side access, effectively serving a seven-bedroomed HMO, has introduced an unacceptable level of use to that side of the property. The comings and goings would exceed that which should be reasonably expected for a side, or secondary entrance. Moreover, given the lack of access to the rear garden for occupiers of the front of the property that use would be further exacerbated by those wishing to gain access to the rear garden. That would be unlike the use as a single family dwellinghouse where the main access would have been to the front. The noise and disturbance from increased comings and goings and late night activity would result in



unacceptable harm to the living conditions of occupiers of the adjacent property No 11.

9. Furthermore, the general noise levels associated with normal living activities, from fifteen occupiers, would be beyond that experienced from a single family unit or the previous use as a care home where it would be reasonable to expect life to be more sedentary. In addition, there would be additional noise generated by the comings and goings of visitors to those occupying the premises. That is borne out by third party representations which point to students returning to the premises late at night and causing disturbance. Whilst there is nothing to prevent such late night activity occurring in any residential setting, the opportunity for that to happen is increased where 15 individuals live together as opposed to a single family. It also goes beyond the disturbance that would reasonably be expected, for deliveries, visitors and staff attending a care home.
10. In coming to that view I have also considered the appellant's representations that more than one family lived at the property for a number of years. However, evidence in support of that has not been tested and I must temper the weight I give to it. In any event, the same argument applies; 15 individuals are more likely to create more disturbance than two or more family units living together.
11. For these reasons I find the current use of the property has resulted in an over intensive use of the site and has led to unacceptable harm to the living conditions of occupiers of nearby properties. That is at conflict with the aforementioned planning policies. In addition the current configuration of the property does not allow ready access to the rear garden by occupiers of the front of the property. Whilst that has not resulted in unacceptable harm to those individuals it is nevertheless contrary to Policy H4 which seeks amenity space with safe and convenient access for all. It is therefore a factor weighing against the development and adds weight to my conclusions on this issue.

#### *Character of the area*

12. The appeal property is a substantial detached property arranged over three floors and situated in a predominantly residential road made up of dwelling houses and flats. The property is served by a generous rear garden. To the front there is space to park three or four cars. Nearby are the Portswood District Shopping Centre and Southampton University Campus. The property has the appearance of a single dwelling when viewed from the street; it does not appear out of context and does not have a negative impact upon the street scene.
13. Policy CS16 of the Southampton Core Strategy (CS) sets out that the Council will seek to provide a mix of housing types along with more sustainable and balanced communities. That will be achieved through control of HMOs amongst other things and particularly those properties which provide accommodation for students. Addressing the latter point first; I accept the property would be advertised on the open market but, given its proximity to the university campus, it is reasonable to expect students to be attracted to the premises and the appellant's appeal indicates the property is currently let to students.
14. The appellant avers that there is no demand for this non-typical dwelling of 15-16 bedrooms in Southampton and that it was not a single-family house in any

- event. I accept that demand for such a property may be low in comparison to other forms of households, nevertheless there is, as evidenced by the Council, a demand for dwellings of four or more bedrooms. Moreover, the appellant has made no appeal on legal grounds regarding any previous use and I must consider the impact of the current use upon the character of the area and in particular the street in which it is situated. That character is predominantly residential with a high proportion of dwellings remaining in family occupation.
15. Furthermore, since the appeal, the Council has adopted *Houses in Multiple Occupation* Supplementary Planning Document (SPD), which defines a tipping point where the concentration of HMOs starts to adversely impact upon the balance and character of a community. I accept the SPD sets out that each application site will be considered upon its own merits and the appellant points to that part of the SPD which addresses when exceptional circumstances will be a material consideration. However that part of the SPD is specific in that it applies to sites "where the vast majority of existing properties surrounding the application site within the defined area of impact are HMO dwellings"; that is clearly not the case here so is not applicable in this instance regardless of the views of local agents or the fact that the property was on sale for over a year.
  16. Moreover, the SPD sets out that planning permission will not be granted in the appeal location where the proportion of HMO dwellings will exceed 10% of the residential properties. The Council aver that in excess of 22% of dwellings would be in HMO use in this case were this appeal to succeed. That figure is borne out by third party representations and my observations during my site visit. I must find therefore that the development would be contrary to the SPD to which I give significant weight.
  17. In addition to that the current use would inevitably have an impact upon on-street parking in the locality. At the time of my visit, mid-morning, there were a number of cars parked in the street and spaces for on-street parking were readily available. However, that is likely to be subject to fluctuating periods of demand and I am unable to consider the plans submitted by the appellant showing parking provision. Furthermore whilst the close proximity to the University would reduce the need for car ownership by students living in the premises, as at present, that situation, on the appellant's own submissions, could change were it not to be rented to students. Such a change in the nature of occupancy would lead to pressure for on-street parking beyond what would be expected for a single family household.
  18. In the same way I am unable to consider the appellant's plans for refuse storage. From what I could see on site there is currently a lack of adequate refuse storage facilities at the site. It is likely, given the number of people living at the premises that without such a facility the storage of refuse would be haphazard and detrimental to the street scene and character of the area.
  19. I have also considered and accept that a HMO Licence has been issued by the Council however, as stated on the notice, it does not imply the property has the necessary planning consent and a licence is not granted on the planning merits of the case. Also, the recent high court judgement (ref:HQ11X02365) found the practical impact that an injunction would have had, upon the students living at the premises, fell decisively against the continuation of the injunction. I have dealt with this matter under the ground (g) appeal and the judgement does not alter my findings upon the planning merits of the case in any event; I have considered this appeal in light of the information that is

before me. Finally, whilst there is some merit in the argument that there is market led demand for the current use in this locality when compared to a 15-bedroom house, I have no detail of how the premises were marketed or what question was asked of the agents that have submitted their views and it does not outweigh the harm I have found.

20. In coming to my conclusions I have taken into account the Framework which sets out that local planning authorities should deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities; amongst other things they should identify the size, type, tenure and range of housing that is required in particular locations. The appellant suggests the SPD is at conflict with the Framework in that it does not address local market demand. However, the SPD is clear and sets out one of its aims is to redress the 'imbalance' of the city's 'communities' and its evidence base includes the Council's Housing Strategy 2011-2015. It seems to me, and without evidence to the contrary, that approach is not at conflict with the Framework. Moreover, and in any event, the Framework also sets out that that sustainable development would bring positive improvements to the built environment and the quality of peoples' lives; that is not so in this case where harm has been shown.
21. Therefore, when assessed against the aforementioned planning policies and the Framework as a whole, I find the use has resulted in unacceptable harm to the character of the area contrary to Policy H4 of the CS and Policy 16 of the CS. That significantly outweighs any benefits put forward by the appellant.
22. For these reasons and having considered all matters raised the appeal on ground (a) fails.

#### **The appeal on ground (f)**

23. Section 173 of the 1990 Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. The requirements of the notice in this case seek the cessation of the use and a return to use as a single dwellinghouse. That covers everything in the alleged breach of planning control.
24. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity. Given the purpose of the notice is to remedy the breach of planning control, it falls within s173(4)(a). Therefore, any lesser requirements, such as reducing the number of bed spaces, would simply not meet the requirements of the notice and thus would not remedy the breach of planning control.
25. Thus the appeal on ground (f) fails.

#### **The appeal on ground (g)**

26. The appellant opines that the time given to comply should be extended to accommodate the end of the academic year to allow tenants to remain until

July 2012. Given the date of this decision that is now achievable and I see no reason to extend the compliance period further.

27. Thus, the appeal on ground (g) also fails.

**Other matters**

28. I have taken full and careful account of the views of local residents and other interested parties in reaching this decision. However, the appellant and Highfield Residents' Association have referred to a number of matters not related to the planning merits of the case; these include who is represented by the Association and the appellant's business interests. These matters have not formed part of my deliberations.

*Richard Perrins*

Inspector



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## Appeal Decision

Site Visit made on 2 November 2012

**by E C Grace DipTP FRTPI FBEng PPIAAS**

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

**Decision date: 30 November 2012**

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**Appeal Ref: APP/D1780/A/12/2177575**

**53 Shaftesbury Avenue, Southampton SO17 1SE**

- 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 Dr J Jenkinson against the decision of Southampton City Council.
  - The application Ref 12/00080/FUL, dated 17/1/12, was refused by notice dated 25/4/12.
  - The development proposed is: erection of a two storey rear extension to facilitate conversion of the existing house into 1x5 bed and 1x4 bed semi-detached houses with associated parking and cycle/refuse storage (Use Class C3/C4).
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are whether the proposed development would result in harm to a) the living conditions of neighbouring residents and b) the character of the area.

### Reasons

3. The appeal property is a large Victorian semi-detached house positioned at the junction of Shaftesbury Avenue with Holyrood Avenue. It is currently in use as a House in Multiple Occupation (HMO) and it is occupied by 9 student tenants. Vehicular and pedestrian access is from the return frontage to Holyrood Avenue and, at the time of my visit, there were 4 cars parked within the garden either side of the detached garage, which has led to the grassed areas becoming very rutted and muddy. The proposal provides for the use of the building either as a pair of family houses or two separate HMOs, each with its own garden area.
4. The adjoining house in the pair (No 51) remains in use as a family dwelling and I was afforded the opportunity of gauging the impact of the proposal upon its occupants both from within the property and in its garden. In the refusal notice, the Council particularly cite the tunnelling effect of the proposed rearward two storey extension upon the outlook from the adjacent first floor bedroom window. However, I saw that due to the rearmost part of the extension being staggered away from the boundary, it would not in fact be visible from that window. Nevertheless, I consider that detail confers the extension with a contrived asymmetric form. Furthermore, the considerable increase in the building's bulk and height due to the rear extension would be manifestly evident and overbearing in appearance both in views from the garden of No 51 and in the street scene on Holyrood Avenue.

5. I consider the subdivision of the garden is again contrived, with the rearmost amenity area out of sight and remote from the unit it is intended to serve, being reached by a path leading from the kitchen and running alongside the boundary with No 51, making it unsuitable in connection with use as a family home. Alternatively, it would concentrate activities of coming and going at the HMO close to the shared boundary at various times of the day and night and thus be likely to lead to increased noise and disturbance to residents in No 51.
6. In addition, just 2 off-street car parking spaces would be provided, which, in spite of no objection being raised by the Council, would inevitably place greater pressure upon kerbside parking in the area. Understandably, this adds to the concerns expressed by local residents who maintain it is already congested due to the number of properties with no off-street parking facilities in the area.
7. These factors lead me to conclude the proposal would result in harm to the living conditions of neighbouring residents and not respond positively with its local surroundings thereby contravening Local Plan Policy SDP1.
8. Turning to the second issue, determination of the application closely followed the coming into force of a city-wide Article 4 Direction removing permitted development rights to change a C3 dwelling house to a C4 HMO and their adoption of a Supplementary Planning Document (SPD) relating to HMOs. The SPD sets a threshold of no more than 10% HMOs in the northern wards of the city. Accordingly, as the Council indicate that the 10% level prescribed in the SPD is already exceeded, they maintain the introduction of a further HMO here would compound this breach of the SPD guideline leading to an imbalance in the housing mix and an overconcentration of HMOs that would harm the character of the area. Although the appellant disputes the Council's findings, the numerous representations submitted in connection with the proposal demonstrate the problems which arise from HMOs for the residents in surrounding houses and serves to explain the reason why the Council found it necessary to introduce greater control over such uses.
9. The atypical garden arrangement reinforces my view that the property is unsuited for conversion to create two large houses, whether for use as family dwellings or separate HMOs. Although the appellant refers to the site as being "underused", it is apparent that at least 9 people are residing there, whereas the adjacent similarly sized property is occupied as a family house. I do not therefore accept that contention.
10. On balance therefore, I conclude the establishment of a further separate HMO at the appeal site would contravene the recently adopted SPD and fly in the face of the Council's aims, resulting in impairment of the character of the area and harm to the living conditions of residents in surrounding dwellings. The SPD is part of the Local Development Framework supporting the development plan and particularly Core Strategy Policy CS16 which seeks to ensure there is a mix of housing types and more sustainable and balanced communities. It prescribes that control will be exercised over HMOs, particularly those which provide accommodation for students.
11. For the reasons given above I conclude that the appeal should be dismissed.

*Edward Grace*

Inspector

# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|   |   |                             |   |
|---|---|-----------------------------|---|
| <b>Application address:</b><br>24 Dell Road   |   |                             |   |
| <b>Proposed development:</b><br>Conversion of existing 3 bed house to 1x2-bed flat, and 1x3-bed flat, with associated refuse/cycle storage. |   |                             |   |
| <b>Application number</b>   | 12/00856/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>   | 10.07.12  | <b>Ward</b>                 | Bitterne Park                             |
| <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 White<br>Cllr Baillie<br>Cllr Inglis |

|                                   |  |
|-----------------------------------|--|
| <b>Applicant:</b> Mr Anjuim Moied |  |
|-----------------------------------|--|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out below. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 23.04.13 do not have sufficient weight to justify a refusal of the application. The provision of flats is in accordance with adopted policies which require efficient use of previously developed sites to provide housing and the level of car parking proposed is in accordance with adopted car parking standards. Where appropriate planning conditions have been imposed to mitigate any harm identified. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS19 and CS20 and the Council’s current adopted Supplementary Planning Guidance. 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 |  |  |

## **Recommendation in Full**

1) Delegate to the Planning and Development Manager to grant conditional approval subject to:

(i) the submission of satisfactory amended plans to improve the car parking layout for 2 vehicles and access as detailed in the Highway Officers comments and;

(ii) the submission of a satisfactory Arboricultural Report.

2) In the event that satisfactory amended plans and Arboricultural information are not submitted before the 7th May 2013, that the Planning and Development Manager be authorised to refuse permission.

3) That the Planning and Development Manager be given delegated powers to remove, vary or add conditions as necessary.

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

1.1 The application site contains a detached, chalet-style bungalow with dormer windows to the front and rear roof slopes, serving accommodation within the roof-space. The site is located on a hill and is set at a higher level than the road. The neighbouring properties either side of the site are full two storey in height. The surrounding area is residential and although the style and appearance of individual properties vary within the street, there is an overall suburban character. Mature trees are a key aspect of the character of the street and there are mature trees on the site which are subject of a Tree Preservation Order.

### **2. Proposal**

2.1 The application proposes to convert the existing property into 2 flats comprising one two-bedroom and one three-bedroom. The external changes are limited to alterations to the fenestration and the provision of two car parking spaces and storage to the property frontage.

### **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**.

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

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

4.1 There have been no recent planning applications relating to this property.



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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (14.06.12). At the time of writing the report **10** representations have been received from surrounding residents, including from the Local Ward Councillor Baillie. Councillor Baillie requested panel determination due to concerns that flats are out of character and would exacerbate parking issues in the area. The following is a summary of the points raised:

5.2 ***Flats would be out of keeping with the street and would set a precedent for further similar development.***

### **5.3 Response**

The proposed external changes are minimal and would not have a significant impact on the appearance of the property. The proposal would make good use of previously developed land to provide an additional residential unit and would retain a family-sized unit on site. The introduction of smaller residential units within the street would increase the choice of accommodation available and create a mixed and balanced community. The type of development is therefore considered to be acceptable.

5.4 ***The development does not incorporate enough off-road car parking spaces and would therefore exacerbate existing on-street car parking issues within Dell Road.***

### **5.5 Response**

The submitted plans indicate that two car parking spaces would be provided to the front of the property and this level of car parking is in accordance with the adopted maximum car parking standards. However, it is not clear that these spaces could be provided without having a harmful impact on highway safety or the protected trees and therefore refusal is recommended if acceptable revised plans or tree information is not submitted within the given timescales.

5.6 ***The development would exacerbate existing flooding issues within the area.***

### **5.7 Response**

The site does not lie within an area of flood risk. Southern Water have not raised an objection in terms of surface water drainage issues and recommended that surface water disposal would need to be investigated at the Building Regulations stage.

5.8 ***The front facing ground floor bedroom proposed would be overshadowed by the protected tree on site.***

### **5.9 Response**

There would be a very similar relationship between the proposed habitable accommodation and the trees to that which currently exists on the site. Both the units would be dual aspect meaning that they also benefit from accommodation which overlooks the rear garden area. As such, the residential environment is considered to be acceptable.

## **Consultation Responses**

- 5.10 **SCC Highways** - The size of the car parking spaces are shown are insufficient in size and the sightlines from the access would be poor. Revised details are required to either improve the access, provide on-site turning or to reduce the number of car parking spaces further. If the number of car parking spaces are reduced, an on-street parking survey would be required to demonstrate that parking could be accommodated on the street.
- 5.11 **SCC Trees** – The dwelling is surrounded by TPO trees and protected groups. An arboricultural impact assessment would therefore be required before the application can be determined.
- 5.12 **Southern Water** – No objection. Suggest a note to applicant on the decision notice relating to the requirements to connect to the public sewer.

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

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of development;
  - ii. The impact on the character of the area and residential amenity;
  - iii. The quality of the residential environment proposed;
  - iv. Parking and highways and;
  - v. Impact on protected trees.

### **6.2 Principle of Development**

- 6.2.1 The proposal would make efficient use of previously developed land to provide further housing and the introduction of smaller units would help to contribute to a mixed and balanced community. The proposed conversion would include a 3 bedroom unit on the ground floor and this unit has direct access to a garden area which exceeds 20 sq.m in area. The development would result in a density of 41 dwellings per hectare which is in accordance with the range of 35 to 50 d.p.h set out in policy CS5 of the Core Strategy. The principle of development is therefore considered to be acceptable and the proposal would assist the Council in delivering its housing requirements.

### **6.3 Impact on the character and residential amenity**

- 6.3.1 The proposed external alterations are limited to alterations to fenestration of the building which are not considered to result in a significant impact on the character of the area or residential amenity. The intensification of the site is not considered to result in a significant increase in activity that would be harmful to residential amenity. Refuse and cycle storage would occur to the property frontage and a condition is suggested to ensure that this is suitably discreet, and well-screened.

### **6.4 Quality of the Residential Environment**

- 6.4.1 Each flat would have direct access to the rear garden which is approximately 277sq.m in area and therefore exceeds the 40 sq.m required by the Council's Residential Design Guide. The space could be subdivided to ensure each unit

has a private area and a condition is suggested to secure this. The space is stepped, so in spite of the gradient, provides a useable area for occupants. Outlook from habitable room windows is considered to be acceptable and access to cycle and refuse storage would be convenient. Overall, the quality of the residential environment is considered to be acceptable.

## 6.5 Parking and Highways

6.5.1 A maximum of four car parking spaces is permitted by the Parking Standards Supplementary Planning Document and the provision of two spaces would accord with this. Furthermore, when considering an appeal at 36 Dell Road (application reference 10/00454/OUT), the Inspector found that the provision of two car parking spaces to serve five flats would be sufficient. The size of the car parking spaces shown however, are insufficient and since the visibility from the access is poor, the layout would require on-site turning or an improved access. As such, unless acceptable revised plans are received which addresses this issue, refusal is recommended on the basis of highway safety.

## 6.6 Impact on Protected Trees

6.6.1 The application is not accompanied by an accurate tree survey or report. Having regard to the proposed creation of new vehicular hardstanding to the property frontage and the change of levels that exists to the property frontage, the proposal could have an impact on the protected oak tree to the property frontage. As such, unless a report is submitted which satisfactorily demonstrates that the health of the tree would not be affected by the development and its revised parking, then it is recommended that the application be refused.

## 7. Summary

7.1 The principle of the conversion of the existing property into two flats is acceptable and a good quality residential environment would be achieved. Subject to the receipt of amended plans and a tree report, the scheme is considered to be acceptable.

## 8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report and the submission of the required plans and information, 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 23/04/13 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 - Materials to match [Performance Condition]**

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

Reason:

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

**03. APPROVAL CONDITION - Refuse & Recycling Bin Storage [Pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of the appearance of the refuse and recycling bin storage shall be submitted to the Local Planning Authority for approval in writing. The storage shall be implemented in accordance with the agreed details before the flats are first occupied.

Reason:

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

**04. APPROVAL CONDITION - Cycle Storage [Pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of the appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The storage shall be implemented in accordance with the agreed details before the flats are first occupied.

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.

**05. 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

**06. APPROVAL CONDITION - Energy (Pre-Occupation Condition)**

Written documentary evidence demonstrating that the development will at minimum achieve a 20% reduction in CO2 emissions over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources

and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**07. APPROVAL CONDITION – Retention of front boundary treatment/ No further hardstanding [performance condition]**

Notwithstanding the plans hereby approved further details of the boundary treatment fronting Dell Road shall be submitted to and approved in writing prior to the commencement of development. The agreed works shall be provided prior to the development's first occupation.

Reason:

In the interests of visual amenity

**08. APPROVAL CONDITION - Amenity Space [pre-commencement condition]**

Prior to the commencement of the development hereby approved, a plan showing how the rear garden area will be subdivided shall be submitted to and approved in writing by the Local Planning Authority. The garden area and both the accesses to it shall be provided in accordance with the agreed details before the flats first come into occupation.

Reason:

To ensure an acceptable residential environment is achieved.

**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 - 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. Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team.

**POLICY CONTEXT**

Core Strategy - (January 2010)

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

City of Southampton Local Plan Review – (March 2006)

|       |                             |
|-------|-----------------------------|
| SDP1  | Quality of Development      |
| SDP4  | Development Access          |
| SDP5  | Parking                     |
| SDP7  | Urban Design Context        |
| SDP9  | Scale, Massing & Appearance |
| SDP12 | Landscape & Biodiversity    |
| SDP13 | Resource Conservation       |
| SDP14 | Renewable Energy            |
| H1    | Housing Supply              |
| H2    | Previously Developed Land   |
| H7    | The Residential Environment |

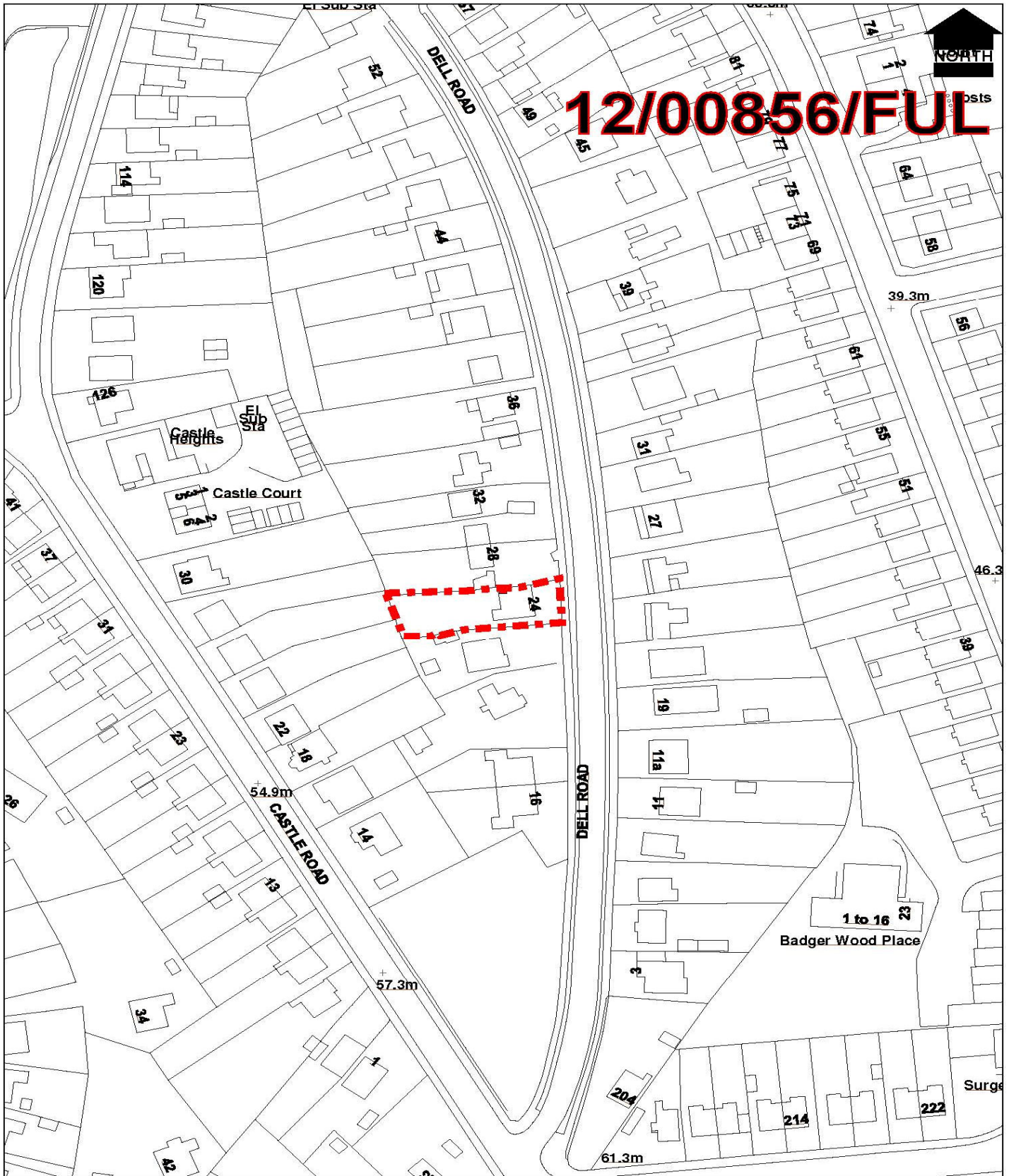
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:1250

Date : 10 April 2013

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# Agenda Item 9

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|   |   |                             |  |
|---|---|-----------------------------|--|
| <b>Application address:</b><br>Portcullis House, Platform Road  |   |                             |  |
| <b>Proposed development:</b><br>Alterations and change of use of the building to provide 36 self-contained student residential flats. |   |                             |  |
| <b>Application number</b>   | 12/00400/FUL                                    | <b>Application type</b>     | FUL                                    |
| <b>Case officer</b>   | Jenna Turner                                    | <b>Public speaking time</b> | 15 minutes                             |
| <b>Last date for determination:</b>   | 17.05.2012                                      | <b>Ward</b>                 | Bargate                                |
| <b>Reason for Panel Referral:</b>   | Major planning application subject to objection | <b>Ward Councillors</b>     | Cllr Bogle<br>Cllr Noon<br>Cllr Tucker |

|  |                               |
|--|-------------------------------|
| <b>Applicant:</b> Cherrymain Estates Ltd | <b>Agent:</b> Ts Design Group |
|--|-------------------------------|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 23.04.13 do not have sufficient weight to justify a refusal of the application. The proposal is considered to be acceptable in highway safety terms and a satisfactory residential environment can be achieved without constraining the operations of the port. Where appropriate planning conditions have been imposed to mitigate any harm identified. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

"Saved" Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP13, SDP14, SDP16, HE1, CLT5, CLT7, H2, H7, H13 and MSA1 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS1, CS4, CS9, CS13, CS14, CS18, CS19, CS20, CS21, CS23 and CS25 and the Council's current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development) and PPG13 (Transport 2011) are also relevant to the determination of this planning application.

|                          |                           |    |                  |
|--------------------------|---------------------------|----|------------------|
| <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. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- iv. The submission of a student intake management plan including measures to discourage students from bringing cars to the city;
- v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and;
- vi. A clause restricting the occupation of the development to students with management in accordance with the Southampton Accreditation Scheme for Student Housing (SASSH) or equivalent in lieu of affordable housing.

2) In the event that the legal agreement is not completed within two months of 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. The site and its context**

1.1 The application site comprises a four-storey flat-roof office building which is currently vacant and has been for an extended period of time. The site lies within the Canute Road Conservation Area and the defined City Centre. The site fronts Platform Road and adjoining the site to the south is operational port land. The building itself has no curtilage associated with it.

### **2. Proposal**

2.1 The application seeks planning permission to convert the existing building into student residential accommodation. The application has been amended significantly since originally submitted and in particular the following changes have been made:

- The number of student flats has been reduced from 51 to 36 and all the rooms

- now have single-aspect over Platform Road
- A retail unit has been omitted from the ground floor
- The entrance to the western end of the building has been restricted to fire exit only.

2.2 The ground floor of the building would incorporate a communal lounge area, a reception and office for on-site management and integral storage for cycle and refuse.

2.3 In terms of external alterations, the application proposes new fenestration and the cleaning of the existing external cladding of the building.

### 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**.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s 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.

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

4.1 The planning history for the site is set out in **Appendix 2**. The site was historically used as offices. In 2004 planning permission was refused for the conversion of the building into 34 self-contained flats. The reasons for refusal (included in **Appendix 2**) related to the noise impact of the port and road transport on the residential environment and the failure to mitigate the direct local impacts of the development.

### 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, placing a press advertisement (29.03.12) and erecting a site notice (26.03.12). At the time of writing the report **16** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The adjoining port uses operate 24 hours a day and would result in complaints from residents regarding noise and light.***

#### 5.3 **Response**

A noise report was submitted with the application which demonstrates that an acceptable internal noise environment can be achieved. The use of mechanical ventilation will ensure that units can be adequately ventilated without the need to

open windows which would impact on the internal noise environment. The removal of habitable room windows (and their replacement with a communal corridor) facing onto the port would ensure that the accommodation would not be adversely affected by light disturbance.

5.4 ***There is a potential for conflict between pedestrians and cyclists associated with the development and the transport associated with Dock Gate 4***

5.5 **Response**

There is an existing pedestrian crossing adjacent to the site and this will be retained in the Platform Road Improvement Scheme. This scheme will also provide further opportunities for pedestrian crossing. As such, Highways have raised no objection in this respect.

5.6 ***The car park immediately adjacent to the site is operational port land and could be used for more intensive activity during day and night and the noise report does not take this into account.***

5.7 **Response**

The Council's Environmental Health Team are aware of this issue and took it into account when commenting on the application. The more flexible permitted development rights that exist on operational port land were a key reason for the recommendation for mechanical ventilation of units and also triggered the removal of the port-facing accommodation from the scheme. Any student seeking to take up residence should be aware of the close proximity of the port.

5.8 ***The refuse collection area is shown to be outside of the site and within the Dock Gate.***

5.9 **Response**

A condition is suggested to prevent refuse from being stored and collected from within the Dock Gate and to secure a refuse management plan to ensure that no harmful impact occurs as a result of these activities.

5.10 ***The absence of vehicular access to serve Portcullis House could result in additional traffic movements which would impact on the access to the docks***

5.11 **Response**

The removal of the retail unit from the scheme has reduced the opportunities for the scheme to generate vehicle movements. A student intake management plan is proposed and parents can park within the Orchard Place car park at these times.

## **CONSULTATION RESPONSES**

5.12 **SCC Highways** - No objection subject to conditions and the inclusion of a series of parking and management measures being secured through the section 106 agreement.

5.13 **SCC Sustainability Team** – No objection subject to a condition to require the implementation of the suggested sustainability measures.

5.14 **SCC Environmental Health (Pollution & Safety)** - No objection. Recommend a condition to ensure that the flats are served by mechanical ventilation.

5.15 **Southern Water** – No objection

5.16 **Associated British Ports** - Object. Raise concerns that the proposal would generate vehicle movements outside of start and end of terms which would impact on the adjacent highway. Raise concern that additional pedestrian and cycle movements adjacent to the Dock Gate could create a highway safety issue. The proposed external works could not be implemented as would rely on third party land for access. Also raise concern that refuse collection would take place from within the Dock Gate.

5.17 **Environment Agency** - No detailed comments to make.

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

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

- i. The principle of development;
- ii. Impact on residential amenity;
- iii. The quality of the residential environment proposed and consideration of previous reasons for refusal;
- iv. Parking, highways and servicing;
- v. The impact on the character of the Conservation Area and;
- vi. Mitigation of direct local impacts.

The relationship with the proposal with the adjoining port land also needs to be carefully considered in terms of the residential environment and parking, highways and servicing.

### **6.2 Principle of Development**

6.2.1 The proposal would make efficient use of previously developed land to provide residential accommodation and furthermore, there is a recognised need for purpose built student accommodation within the city, with the resultant reductions in the demand for HMOs elsewhere. Policy CS1 of the Core Strategy supports the introduction of further residential accommodation within the city centre. The proposal to bring back into use a vacant building which is located both within the city centre and a Conservation Area together with the sustainability benefits of making good use of an existing building are welcome.

### **6.3 The Quality of the Residential Environment Proposed**

6.3.1 The key issues in this respect is the relationship of the site with the port, particularly in terms of whether noise and disturbance can be managed to ensure a good quality residential environment is achieved which does not generate complaints regarding the adjoining port uses in the future. As noted above, the scheme has been amended since originally submitted which has resulted in an overall reduction in the number of units proposed. This is to ensure that no flats rely on operational port land for their outlook but does mean that all flats have a single, northerly aspect due to the location, which it is accepted is far from ideal.

6.3.2 A noise report was submitted with the application and the Environmental Health Team agree with the conclusions and raise no objection to the application, subject to a condition to secure mechanical ventilation to the flats. This is to ensure that the accommodation can be occupied comfortably without the need to open

windows and introduce noise disturbance into the units. It is important to note that the previous refused application to convert the building into flats was not supported by a noise report and incorporated flats with sole aspect over the port. It is considered that the current submission has therefore addressed the previous reason for refusal in relation to noise. It is accepted that the Port has considerable permitted development rights that could impact on any occupier and they will have to consider that when deciding whether to stay there.

6.3.3 No on-site amenity space can be provided, however the site lies directly opposite Queen's Park and furthermore the student occupants would have access to the sports and recreational facilities that the universities offer. As such, the provision of no amenity space is considered to be acceptable in this instance. In addition to this, the application makes provision for a communal lounge on the ground floor of the building. As such, the quality of the residential environment is considered to be reasonable.

#### 6.4 Parking, Access and Servicing

6.4.1 Given that the site adjoins a critical entrance to the port, the application needs to be carefully assessed in terms of potential impacts on the port access and adjoining highway. The Platform Road Improvement Scheme will incorporate a lay-by adjacent to the site for servicing purpose which would ensure vehicles can service the site without affecting the flow of traffic on Platform Road. A condition is recommended to ensure that the refuse store is collected from the integral store and not left within the Dock Gate.

6.4.2 Having regard to the student occupation of the development, the vehicle trip generation is likely to be limited to the start and end of term. As part of the section 106 agreement a Student Intake Management Plan will be secured to ensure vehicle drop-offs take place in the nearby Orchard Place car park. The application indicates that there would be a management presence on site to help control parking and access at the start and end of terms. There are and will continue to be restrictions in place on the highway adjoining the site to prevent vehicles. Having regard to its city centre location, the site is within easy reach of shops, services and public transport links to the main universities. The development also includes adequate facilities for the storage of cycles. As such, the provision of no car parking to serve the development is acceptable and would also deter future residents from bringing a car to the site. The Highways Team have therefore raised no objection to the application and the proposal is considered to be acceptable in this respect.

#### 6.5 Impact on the Character of the Conservation Area

6.5.2 The proposed external alterations to the building are minimal and as such it is not considered that the development would have a significant impact on the character of the area. Although has noted above, bringing the building back into active use is welcome.

#### 6.6 Mitigation of Direct Local Impacts

6.6.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

## **7. Summary**

- 7.1 The absence of curtilage in association with this building has made it difficult to secure an appropriate use for this building and as such, it has remained vacant for a number of years. The amendments to the scheme and the suggested conditions and section 106 requirements will help to ensure that the scheme would not significantly affect the adjoining port operations.

## **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 23/04/13 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 - Mechanical Ventilation [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of a mechanical ventilation system to the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation shall be installed in accordance with the agreed details before the development first comes into occupation and thereafter retained in full working order.

Reason

To ensure a satisfactory residential environment is received.

#### **03 APPROVAL CONDITION - Refuse Management Plan [pre-commencement condition]**

Prior to the commencement of the development hereby approved, a management plan to address the collection of refuse and recycling from the premises shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the Refuse Management Plan. Notwithstanding the plans hereby approved, no refuse storage or collection shall take place within Dock Gate 4.

Reason

To ensure that refuse storage and collection arrangements do not adversely affect vehicle movements associated with the adjoining port.

**04. APPROVAL CONDITION - Cycle and Refuse Storage [performance condition]**

The cycle and refuse storage shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

To secure a satisfactory form of development.

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

Before any development 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.

**06. APPROVAL CONDITION - Implementation of Alterations to the Building [pre-occupation condition]**

Unless otherwise agreed in writing by the Local Planning Authority, the physical alterations to the building hereby approved shall be completed before the use first comes into occupation in accordance with the details hereby approved.

Reason:

To ensure the visual improvements to the site are secured.

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

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

Reason

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

**08. APPROVALCONDITION - Foul and Surface Water Disposal [pre-commencement condition]**

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



Reason:

To secure a satisfactory form of development.

**09. APPROVAL CONDITION - CCTV/On-site Management [pre-commencement condition]**

Prior to the commencement of the development hereby approved, full details of CCTV at the premises and/or on-site 24 hour management shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed measures.

Reason

To reduce opportunities for crime and anti-social behaviour

**10. 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.

**11. APPROVAL CONDITION – Hours of Deliveries [performance condition]**

No deliveries (including construction traffic) during the hours of 08:30 to 09:30 and 16:00 and 17:30.

Reason:

To ensure that deliveries to the site do not coincide with rush hour traffic

**12. APPROVAL CONDITION - Communal accommodation [performance condition]**

The communal areas as shown on the plans hereby approved shall be made available for use before the development first comes into occupation and thereafter retained as approved.

Reason:

To provide a satisfactory residential environment.

**13. APPROVAL CONDITION - Approved Plans**

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

Reason:

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS4  | Housing Delivery   |
| CS9  | Port of Southampton  |
| CS13 | Fundamentals of Design                                     |
| CS14 | Historic Environment                                       |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car & Cycle Parking  |
| CS20 | Tackling and Adapting to Climate Change                    |
| CS21 | Protecting and Enhancing Open Space                        |
| CS23 | Flood Risk   |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

City of Southampton Local Plan Review – (March 2006)

|       |  |
|-------|--|
| SDP1  | Quality of Development                     |
| SDP4  | Development Access                         |
| SDP5  | Parking                                    |
| SDP7  | Urban Design Context                       |
| SDP9  | Scale, Massing & Appearance                |
| SDP10 | Safety & Security                          |
| SDP13 | Resource Conservation                      |
| SDP14 | Renewable Energy                           |
| SDP16 | Noise                                      |
| HE1   | New Development in Conservation Areas      |
| CLT5  | Open Space in New Residential Developments |
| CLT7  | Provision of New Public Open Space         |
| H2    | Previously Developed Land                  |
| H5    | Conversion to residential Use              |
| H7    | The Residential Environment                |
| H13   | New Student Accommodation                  |
| MSA1  | City Centre Design                         |

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012

**Relevant Planning History**

|  |                                   |
|--|-----------------------------------|
| 1384/68<br>Centralised water guard office  | Conditionally Approved 16.12.1969 |
| 1508/M2<br>Gates & enclosure of car parking area   | Conditionally Approved 04.05.1976 |
| 890680/EX<br>Alts to north and south elevations  | Conditionally Approved 11.05.1989 |
| 921322/E<br>Installation of satellite antenna to roof of building  | Consented 09.12.1992              |
| 04/00627/FUL<br>Conversion of the existing building into 36 no. self contained flats involving external alterations to building. | Refused 20.07.2004                |

**Reasons for refusal:**

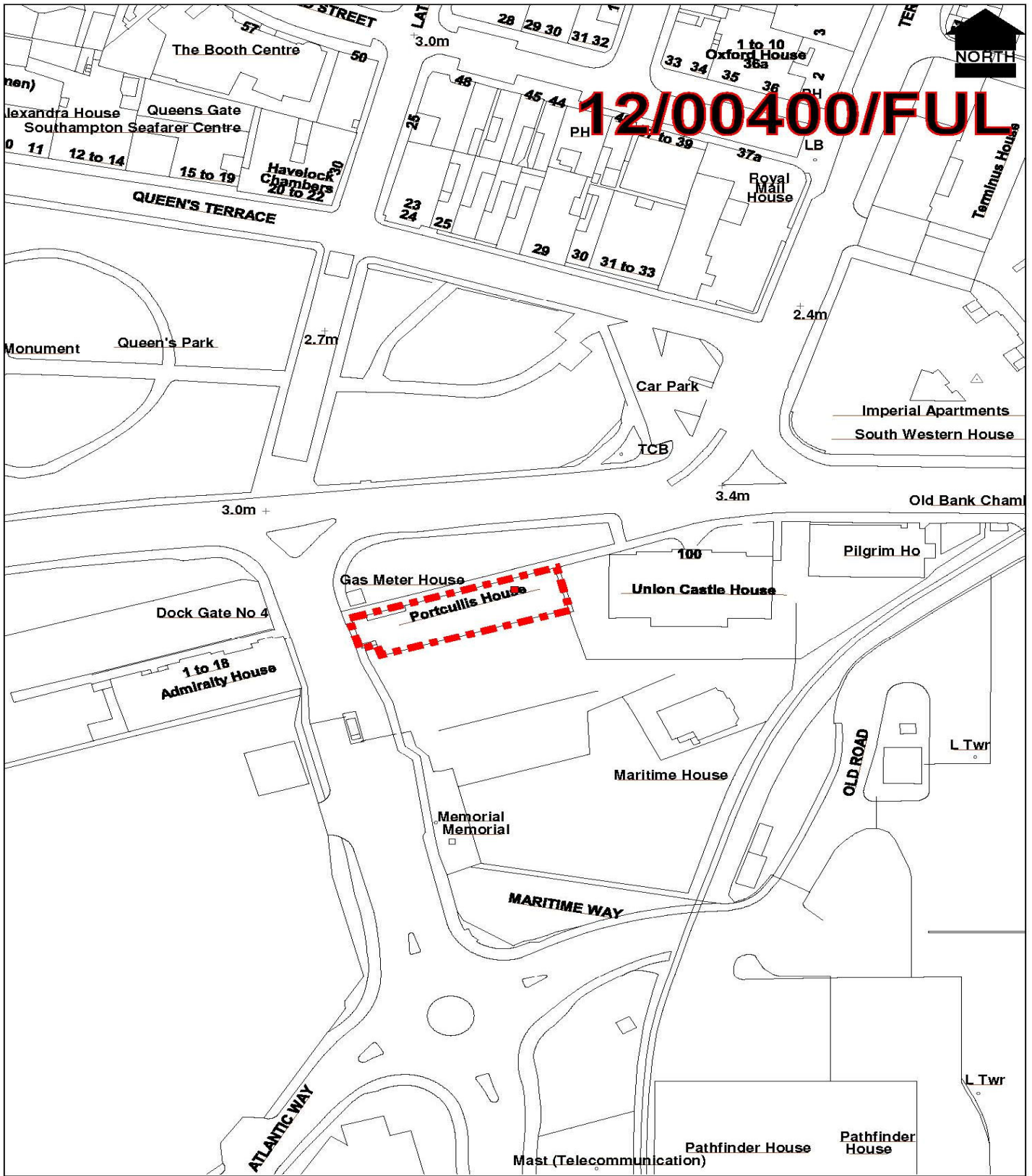
01. The development fails to address the impact of noise disturbance for the residents of the proposed flats arising from proximity to the Port of Southampton and traffic noise. The Local Planning Authority are not satisfied that the residential use of the site would not result in an unacceptable living environment for residents of the proposed flats and noise complaints which would prejudice the continued operation of the Port. As such the development would be contrary to Policies GP1 and H10 of the City of Southampton Local Plan and Policies SDP1, SDP16 and H8 of the City of Southampton Local Plan Revised Deposit version.

02. The proposals would make inadequate provision to accommodate the travel generated by the development and no provision for vehicle access to, vehicle servicing or car parking and would lead to problems of highway safety and congestion. As such the development would be contrary to the provisions of policies GP1 and T2 of the City of Southampton Local Plan and Policies SDP1, SDP3, SDP11 and H8 of the City of Southampton Local Plan Revised Deposit Version.

03. The development fails to secure the provision of housing that would be available to people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and income. As such the development would be contrary to the provisions of policy H2 of the City of Southampton Local Plan and Policy H13 of the City of Southampton Local Plan Revised Deposit Version.

04. The development fails to secure the provision of open space and play space or play facilities. As such the development would be contrary to the provisions of policies GP1, L4, L6 of the City of Southampton Local Plan and Policies CLT 5 and CLT 6 of the City of Southampton Local Plan Revised Deposit Version.

|   |                  |
|---|------------------|
| 08/00803/ADV<br>Externally illuminated banner sign to front elevation               | Refused 15.07.08 |
| 09/01310/ADV<br>2 x internally illuminated banner signs to Platform Road elevation. | Refused 03.03.10 |



Scale : 1:1250

Date : 10 April 2013

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# Agenda Item 10

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|  |   |                             |  |
|--|---|-----------------------------|--|
| <b>Application address:</b><br>233 Botley Road SO19 0NL  |   |                             |  |
| <b>Proposed development:</b><br>Conversion Of One Existing Office Building Into 4 X 2-Bed Flats And Erection Of 1 X 3-Bed And 2 X 4-Bed Detached Houses And 2X 3-Bed Semi-Detached Houses, With Associated Parking And Cycle/Refuse Storage, Following Demolition Of Industrial/Storage Buildings. |   |                             |  |
| <b>Application number</b>  | 13/00186/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>  | 24/04/2013  | <b>Ward</b>                 | Bitterne                                 |
| <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 Lloyd<br>Cllr Stevens<br>Cllr Letts |

|  |                                |
|--|--------------------------------|
| <b>Applicant:</b> Ibex Land And Property Limited | <b>Agent:</b> Neame Sutton Ltd |
|--|--------------------------------|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. Other material considerations 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, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS15, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Policy Framework (2012)

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

## **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. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); including Amenity Open Space ("open space") and Playing Field;
  - iv. The provision of a minimum of 20% of the dwellings as affordable housing, in accordance with Policy CS15 of the adopted LDF Core Strategy (2010);
  - v. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- 2) In the event that the legal agreement is not completed after 2 months following the date of this 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.

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

- 1.1 The application site has an area 0.27 hectares and comprises previously developed land containing a mix of office, industrial and external yard storage. The backland site is served by single lane access from Botley Road and also from Rother Dale. The site was previously occupied as a builder's yard and is currently vacant. The site is laid out with the existing commercial buildings framing a central courtyard parking area. The office building is part two-storey and was originally occupied for residential use and contains a maintained garden within the eastern part of the site. The office building and associated garages are served by the Rother Dale access. A mature oak tree is located adjacent to the Rother Dale access and a group of silver birch trees are located along the southern boundary with Killarney Close.
- 1.2 The surrounding area is predominantly residential in character and the site is abounded by residential plots. A turning head and parking areas serving Botley Gardens abuts the western boundary and part of the northern boundary.

## **2.0 Proposal**

- 2.1 The proposal seeks residential redevelopment of this vacant backland commercial site with the erection of 5 new dwellings and conversion of the existing office building to provide 4 no. 2-bed apartments. The existing accesses onto Botley Road and Rother Dale would be stopped up with new vehicular access proposed through Botley Gardens.
- 2.2 The form of the existing office building will be retained with the existing single-storey link elements demolished. The building will be re-clad with weatherboarding with render applied to the lower sections. The existing garden to the rear of the existing office building will be utilised as communal amenity space for the proposed flats. Bin and cycle storage and 1 car parking space will be provided to the front of the flats in the northern part of the site. 4 additional spaces to serve the flats will be located centrally within the site.
- 2.3 The remainder of the site will be cleared with 5 no. detached two-storey dwelling houses proposed with a detached house and semi-detached pair fronting the access drive and 2 no. detached houses in the eastern corner of the site. Each of the dwellings provided with private rear gardens, car parking (including garages for dwellings 2-5) and bin and cycle storage.
- 2.4 In total there will be 9 dwellings served by 15 parking spaces at a residential density of 33 dwellings per hectare.

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

## **4.0 Relevant Planning History**

- 4.1 1306/P32 - RECONSTRUCTION OF OFFICES AND WORKSHOPS - Conditionally Approved on 12.04.1966
- 4.2 1344/P14 - EXTENSION TO JOINERY WORKSHOP - Conditionally Approved on 27.02.1968
- 4.3 1462/P22 - EXTENSION AT BUILDERS YARD - Refused on 31.07.1973

4.4 890810/E - REDEVELOPMENT OF THE SITE BY ERECTION OF 16 HOUSES WITH ASSOCIATED CAR PARKING - Withdrawn on 25.07.1989

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (14.03.2013). At the time of writing the report **8** representations have been received from surrounding residents (including a petition with 33 signatories) and 2 objections from local ward councillors (Letts and Stevens).

### Summary of representations made

- The proposed access through Botley Gardens in particular past nos. 7 to 15 is unsuitable and not fit for purpose.
- Insufficient parking provision. The developer has made no provision within their plans to accommodate visitor parking. There is insufficient kerbside space available within Botley Gardens to accommodate any parking displacement from the development.
- The proposed development will lead to increased surface water run-off into Botley Gardens
- Concern that the opening up of the site will increase the crime rate in the area with new access/escape routes available from Botley Gardens into Botley Road and Rother Dale
- The proposed development will increase traffic flow within Botley Gardens, changing the character of a quiet cul-de-sac where children currently play in the street.
- Proper consideration has not been given to the original access route from Botley Road or the alternative via Rother Dale.
- Concern if access is taken through Rother Dale
- Means of site enclosure and future use of the existing access lane is unclear

These issues are addressed in the planning considerations section of this report.

5.2 **SCC Highways** - No objection subject to conditions to secure a bin collection point, materials storage and wheel cleaning facilities.

It is understood that existing nearby residents are concerned that the proposed access through Botley Gardens is not appropriate for emergency vehicles. There is a pinch point in the carriageway between No.11 and 12 Botley Gardens which is approximately 5m wide. There would give a vehicle clearance width of approximately 2.8m-3m when a vehicle is parked on one side. Design guidance on access for fire engines specifies that local narrowing of 2.75m is acceptable plus there is the ability to bump up the kerb at the pinch point.

5.3 **SCC Housing** – As the scheme comprises of 9 dwellings in total the affordable housing requirement from the proposed development is 20% (CS15- sites of 5-14 units = 20%). The affordable housing requirement is therefore 2 dwellings. It is understood that a viability assessment has been submitted for this application.

5.4 **SCC Sustainability Team** – No objection subject to conditions to ensure that the development achieves level 4 of the Code for Sustainable Homes in accordance



with policy CS20 of the Local Development Framework Core Strategy

- 5.5 **SCC Environmental Health (Pollution & Safety)** - At the time of writing this report no comments had been received and an update will be provided at the Panel meeting if comments are received. Conditions relating to demolition works, dust suppression, hours of work and no bonfires have been suggested.
- 5.6 **SCC Environmental Health (Food Safety)** –
- 5.7 **SCC Environmental Health (Contaminated Land)** - Potentially contaminated site; adequate assessments will need to be carried out on site to determine the likely presence of contaminants. Planning condition recommended.
- 5.8 **SCC Ecology** – The application has been supported by an ecology report which indicates the site has limited biodiversity value although there is evidence of bat roosts within the tile hanging on the office building. However the ecology officer raises no objection and the developer is not required to meet the three tests of the Habitat Regulations because the roof of the office building and existing tile hanging will be left in situ.
- 5.9 **Environment Agency** - No objection
- 5.10 **Hampshire Constabulary** – At the time of writing this report no comments had been received and an update will be provided at the Panel meeting.
- 5.11 **Trees** - Within this site is a an oak tree which is on the access to Rother Dale and a group of Silver Birch trees which back onto properties in Killarney Close. The proposed layout shows these trees to be retained. At the time of writing this report no comments had been received from the tree team and an update will be provided at the panel meeting if comments are received. Tree protection measures have been added as part of the recommended planning conditions.
- 5.12 **Southern Water** – No objection subject to a condition to ensure that the public sewer is protected. Also an informative should be attached regarding connection to the public sewer.

## **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 redevelopment of this brownfield site for residential use is acceptable in principle and accords with the policies within the development and central government's guidance (through the National Planning Policy Framework) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised.
- 6.2.2 The site is not safeguarded for commercial use and the proposal provides the opportunity to replace this non conforming back land use with residential development that is compatible with existing housing in the area.
- 6.2.3 The level of development of 33 dwellings per hectare (dph) broadly fits within the

density parameters for the site (of between 35 and 50dph) having regard to criteria 1 of policy CS5 of the Core Strategy which indicates that development density should have regard to the character and appearance of the existing neighbourhood. The provision of genuine family housing is welcomed and the proposed residential mix fulfils the requirements of policy CS16 of the Core Strategy whilst assisting the Council meeting its housing need.

### 6.3 Design, layout and impact on established character

6.3.1 A Design and Access Statement has been submitted which identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design. The proposed design, layout and scale of development is considered in keeping with the surrounding pattern of development.

6.3.2 The new build housing is two-storey with a design and form that will not harm the visual amenities of the area. Details of external materials will be reserved by condition.

### 6.4 Impact on Residential Amenity

6.4.1 The residential amenities of nearby residents will not be adversely harmed. The proposed development will not give rise to harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy, having regard to the separation distance and the orientation of the proposed dwellings in relation to neighbouring properties.

6.4.2 The proposed dwelling within plot 1 is located a limited distance from the rear boundary of the site (4metres) however this will not generate harmful overlooking given this part of the site abuts a car parking area within Botley Gardens. An acceptable privacy distance of 10 metres is provided between rear windows of the proposed dwellings within plots 4 and 5 and the boundary with 7a Killarney Close.

6.4.3 It is acknowledged that the development will lead to increased traffic within Botley Gardens. However the level of increased vehicle trips from 9 additional residential dwellings will not be demonstrably harmful to the character of the area.

### 6.5 Residential Standards

6.5.1 All new residential development is expected to provide prospective residents with a good living environment. The internal layout is compatible with modern living standards. All habitable rooms will receive adequate outlook, ventilation and day lighting.

6.5.2 Each of the proposed new dwelling houses is provided with 10m length gardens (note that plot 1 has a 10m length side garden) which accords with minimum standards within the Residential Design Guide. The flats are provided with in excess of 250 square metres communal amenity space which also satisfies the requirements of the Residential Design Guide.

## 6.6 Highway Issues

- 6.6.1 The application site is within an area, which is defined as a “low” accessibility zone. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPG, which are maximums. Therefore careful consideration needs to be made of the implications of the proposed number of spaces. The scheme proposes 2 spaces (garage and parking space) for dwellings 2-5. Dwelling 1 and the flats are provided with 1:1 provision which accords with the Council's maximum parking standards. There is no national or local policy requirement for the developer to design in visitor parking.
- 6.6.2 The level of parking provision and access arrangement will not prejudice highway safety. The existing single lane access from Botley Road will be stopped up because it does not allow for two vehicles to pass at the site entrance, and as such may lead to obstruction on Botley Road. Therefore the existing access does not meet highway engineering standards with betterment sought with a new access through Botley Gardens.
- 6.6.3 As there is no demonstrable harm with access taken from Botley Gardens then there are no compelling reasons to encourage the developer to seek alternative access through Rother Dale. Alternative access from Rother Dale may also compromise the layout and level of car parking provided. The Council's Highways Development Management Team has raised no objection and are satisfied that Botley Gardens has sufficient width for emergency vehicle access.

## 6.7 Other Issues

- 6.7.1 The development will not lead to increased surface water run-off into Botley Gardens. The amount of hard surfacing is being reduced with increased soft landscaping, allowing improved natural soakaway.
- 6.7.2 Sustainable drainage is a requirement of the code for sustainable homes assessment and any new hard surfacing will need to be either permeable or drainage will need to be installed to ensure that surface water is drained within the site. Building Control will need to assess if soakaways are appropriate on this site.
- 6.7.3 The proposed layout of the development will not be demonstrably harmful to the safety and security of Botley Gardens. The existing access is to be stopped up and no access will be provided from Rother Dale. The site will be secured by a means of enclosure with details reserved by condition. Effectively Botley Gardens will remain a cul-de-sac which terminates at the proposed development.

## 7.0 Summary

7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The proposed layout and density provides an acceptable residential environment for future occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

7.2 A suitable balance has been achieved between securing additional housing,

parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking within Botley Gardens and certainly not to a level that would outweigh the merits of housing delivery on this site.

## **8.0 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(vv), 6(a), 6(c), 7(a), 8(a), 9(a), 9(b).

### **AG for 23/04/13 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 - 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 - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

#### **04. APPROVAL CONDITION - Bonfires [Performance Condition]**

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

#### **05. 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.

#### **06. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]**

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

#### **07. APPROVAL CONDITION - No other windows or doors other than approved [Permanent Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

REASON:

To protect the amenities of the adjoining residential properties

#### **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- 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.

## **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 - Code for Sustainable Homes [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the NEW BUILD 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).

### **12. 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 NEW BUILD 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 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).

### **13. APPROVAL CONDITION - Means of site enclosure [Pre-Occupation Condition]**

Before occupation of the development hereby approved, details of the design and specifications of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary enclosure details shall be subsequently erected prior to the occupation of any of the units provided under this permission and such boundary treatment shall thereafter be retained and maintained to the boundaries of the site.

#### **REASON:**

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property

Note:- The Local Planning Authority will be looking to secure brick walls rather than close boarded fences abutting the highway

### **14. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]**

Before the commencement of any site works a detailed landscaping scheme and implementation timetable, which clearly indicates the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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

The approved scheme shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

**REASON:**

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

**15. APPROVAL CONDITION - Material Storage (Pre-Commencement Condition)**

No work shall be carried out on site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, for all temporary contractors buildings, plant and stacks of materials and equipment associated with the development and such provision shall be retained for these purposes throughout the period of work on the site. At no time shall any material or equipment be stored or operated from the public highway.

**Reason:**

To avoid undue congestion on the site and consequent obstruction to access.

**16. 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.

**17. APPROVAL CONDITION - Stopping up existing access**

Any redundant access to the site shall be stopped up and abandoned and the footway, and verge crossings and kerbs shall be reinstated before the development is brought into use. Details of how the land and between 229/231 and 235 Botley Road will be finished shall be submitted to the Local Planning Authority prior to the commencement of development and delivered prior to first occupation.

**Reason:**

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

**18. APPROVAL CONDITION - Public Sewer protection [Performance Condition]**

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.



Reason:

In order to safeguard the public sewer.

### **19. APPROVAL CONDITION - Bicycle Storage**

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 a minimum of 1 bicycle per dwelling to be stored for the benefit of the residents in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The cycle storage hereby approved shall thereafter be retained on site for that purpose.

REASON: To encourage cycling as a sustainable form of transport.

### **20. APPROVAL CONDITION - Refuse & Recycling Bin Storage - [Pre Occupation Condition]**

Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved plans. The facilities shall include accommodation for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the development is used for residential purposes.

REASON:

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

### **21. 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.

### **22. 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.

**23. 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.

**24. APPROVAL CONDITION - Residential - Permitted Development Restriction [Permanent Condition]**

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

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

REASON:

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

**25. 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.

Southern Water - Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**POLICY CONTEXT**

Core Strategy - (January 2010)

|      |  |
|------|--|
| CS4  | Housing Delivery   |
| CS6  | Housing Density  |
| CS13 | Fundamentals of Design                                     |
| CS15 | Affordable Housing   |
| CS16 | Housing Mix and Type                                       |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car & Cycle Parking  |
| CS20 | Tackling and Adapting to Climate Change                    |
| CS21 | Protecting and Enhancing Open Space                        |
| CS22 | Promoting Biodiversity and Protecting Habitats             |
| 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                           |
| CLT3  | Protection of Open Spaces                  |
| CLT5  | Open Space in New Residential Developments |
| CLT6  | Provision of Children's Play Areas         |
| H1    | Housing Supply                             |
| H2    | Previously Developed Land                  |
| H7    | The Residential Environment                |

Supplementary Planning Guidance

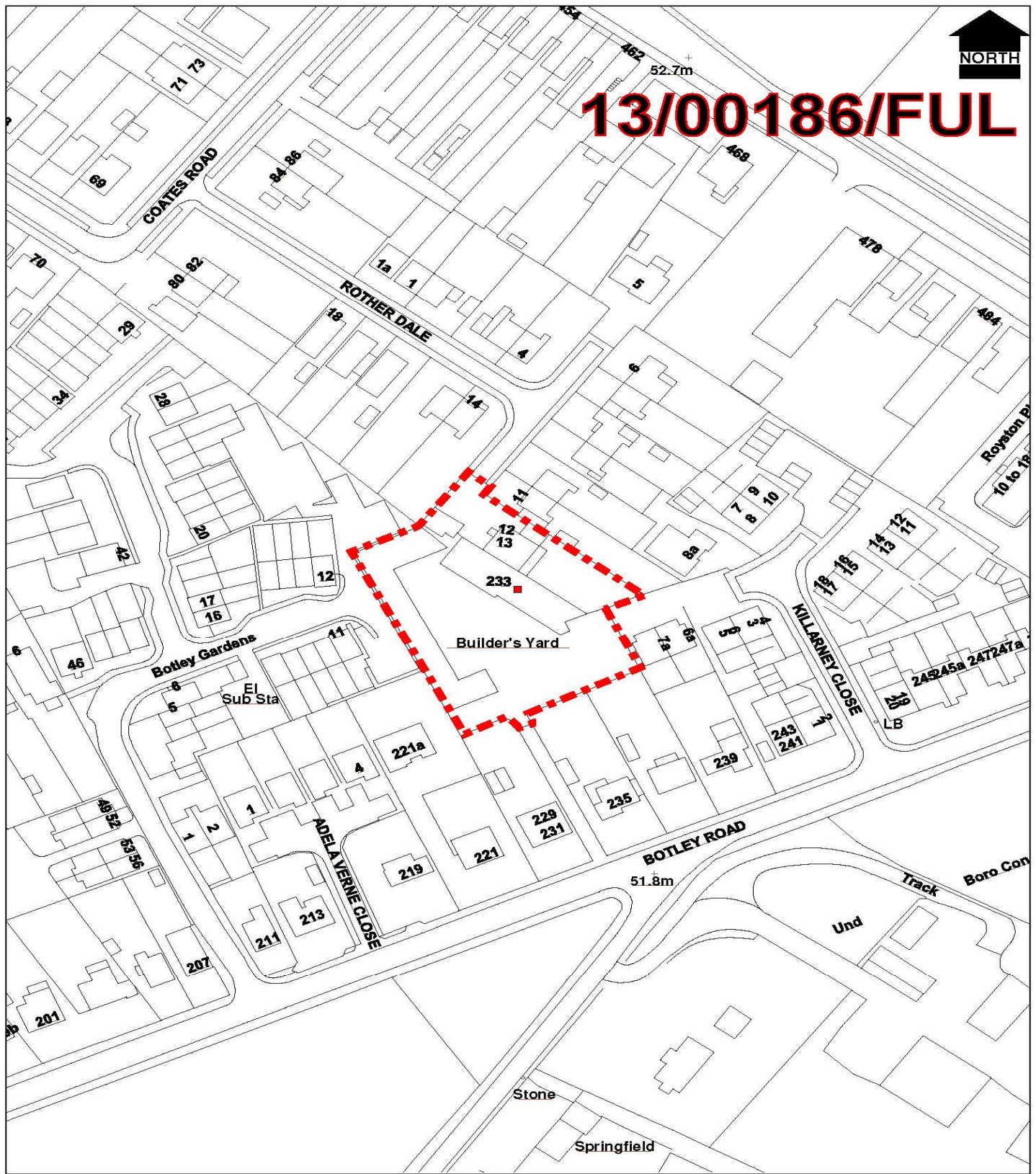
Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - August 2005 and amended November 2006)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012



# 13/00186/FUL



Scale : 1:1250

Date : 10 April 2013

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# Agenda Item 11

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|  |                                   |                             |   |
|--|-----------------------------------|-----------------------------|---|
| <b>Application address:</b><br>NXP Semiconductors, Second Avenue   |                                   |                             |   |
| <b>Proposed development:</b><br>Application for reserved matters approval (access, appearance, landscaping, layout and scale) pursuant to outline planning permission dated 30 January 2013 (reference 12/00975/OUT) for redevelopment of the site. This application is for part of the site to provide an industrial/warehouse unit (Classes B1c, B2 and B8 - total floorspace of 8600 square metres) with access from Second Avenue and Allington Road, servicing areas and car parking. (Note: the application also seeks to discharge Conditions 4, 7, 8, 9, 10, 11, 16 and 17 of the outline permission). |                                   |                             |   |
| <b>Application number</b>  | 13/00206/OUT                      | <b>Application type</b>     | OUT   |
| <b>Case officer</b>  | Stephen Harrison                  | <b>Public speaking time</b> | 15 minutes                                  |
| <b>Last date for determination:</b>  | 20/05/2013<br>(13 week date)      | <b>Ward</b>                 | Redbridge                                   |
| <b>Reason for Panel Referral:</b>  | Departure to the Development Plan | <b>Ward Councillors</b>     | Cllr McEwing<br>Cllr Pope<br>Cllr Whitbread |

|  |   |
|--|---|
| <b>Applicant:</b> Diageo Pension Trust/Cordea Savills (c/o Canmoor Developments) | <b>Agent:</b> Michael Sparks Associates<br>Fao Mr Ashley Chambers |
|--|---|

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

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development is considered to comply with the policy designation and outline planning permission 12/00975/OUT as an employment site. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions and a S.106 legal agreement as detailed in the report to Panel on 11<sup>th</sup> December 2012. Other material considerations, including the provision of parking in excess of current maximum standards, do not have sufficient weight to justify a refusal of the application for the reasons given in the report to Panel on 23<sup>rd</sup> April 2013. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' policies SDP1 (Quality of Development), SDP4 (Development Access), SDP5 (Parking), SDP7 (Context), SDP9 (Scale, Massing and Appearance), SDP10 (Safety & Security), SDP22 (Contaminated Land) and RE19(iii) (Industry & Warehousing) of the City of Southampton Local Plan Review (Adopted 2006), and policies CS6 (Economic Growth), CS7 (Safeguarding Employment Sites), CS13 (Fundamentals of Design), CS18 (Transport), CS19 (Car & Cycle Parking), CS20 (Tackling & Adapting to Climate Change), CS24 (Access to Jobs) and CS25 (Delivery of Infrastructure) of the City of Southampton

Local Development Framework Core Strategy (Adopted 2010) as supported by the Council's current adopted Supplementary Planning Guidance.

| <b>Appendix attached</b> |   |   |                              |
|--------------------------|---|---|------------------------------|
| 1                        | Planning Panel Minutes extract 12/00975/OUT | 2 | Decision Notice 12/00975/OUT |
| 3                        | Development Plan Policies                   | 4 | Relevant Planning History    |

### **Recommendation in Full**

- 1) Conditionally Approve subject to the receipt of information to satisfy the Council's Environmental Health Officer's concerns.
- 2) In the event that these issues cannot be resolved in time for a decision to be made by 20<sup>th</sup> May (13 week target date) the Planning and Development Manager be given delegated powers to refuse the application if considered appropriate; and,
- 3) That the Planning and Development Manager be given delegated powers to remove, vary, discharge or add conditions as necessary.

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

- 1.1 The wider 4.21 hectare application site boundary is marked by a 2 metre high pallusade fence. The site itself is currently vacant, having seen the demolition of its previous buildings, but was last used by NXP semi-conductors and before them Philips. The previous buildings had a combined floor area of 23,375sq.m and were of simple two-storey design.

### **2.0 Proposal**

- 2.1 Outline planning permission was granted in January 2013 to establish the principle of replacing the existing employment buildings with an indicative alternative layout (LPA ref: 12/00975/OUT). More flexibility in terms of the replacement employment uses was also given and the site has since been advertised for expressions of interest. The outline permission gave approval for a maximum of 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8). All matters were reserved for later consideration and a parameter plan was approved with indicative proposals to demonstrate a number of different working solutions. HGV movements into Allington Road are restricted by a planning condition. A copy of the relevant Panel minutes and associated planning permission can be found at **Appendix 1 and 2**.
- 2.2 The current planning application seeks reserved matters approval for Phase 1 of the site's redevelopment. It comprises 8,600sq.m of B1c, B2 and B8 floorspace on 2.24 hectares of land. The proposals show a large distribution depot for UPS (comprising 7,520sq.m of B8 floorspace with 722sq.m of ancillary office and a Vehicle Maintenance Unit with 358sq.m).
- 2.3 In design terms the buildings are compliant with the dimensions and siting set at the outline stage and utilise a contemporary design solution. The proposed buildings will achieve BREEAM 'Excellent' as required by policy and the outline permission.

2.4 Access is taken principally from Second Avenue and Allington Road with car parking shown for 152 staff vehicles. Cycle parking for 34 cycles is proposed.

### **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 3**. The site is allocated for employment uses under Policy REI9(iii).

3.2 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance the application has confirmed that Phase 1 will achieve BREEAM ‘Excellent’.

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. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

### **4.0 Relevant Planning History**

The relevant planning history for this site is attached at **Appendix 4**.

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

5.1 The applicants undertook a public consultation event of their own on 18<sup>th</sup> June 2012. 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 (22.02.2013), advertising a departure (15.03.2013) and erecting a site notice (21.02.2013 and 14.03.2013).

5.2 At the time of writing the report **2 representations** have been received, including a note of support from the freeholder owner. The following planning related concerns are raised:

5.3 Employees will abuse the one-way system that is in place to the detriment of highway safety.

#### Response

This is a matter for the Police.

5.4 There are concerns that employees will park on Lebanon Road.

#### Response

The existing parking issues in the area are well known and the development makes provision for 152 employee spaces (when 96 is the Council’s maximum standard for the scale of development proposed). With this level of provision, whilst overspill parking cannot be ruled out, the likelihood of employees needing to park off-site are diminished.

5.5 The developers have removed all the trees along Allington Road and they should



be replaced.

Response

These trees were not protected from removal, and a landscaping scheme has been submitted for consideration as part of this reserved matters application. Additional tree planting is proposed for 4 Field Maples.

**Consultation responses**

- 5.6 **SCC Highways – Update to be given at Panel.** SCC Parking SPD identifies that a maximum of 96 parking spaces are permissible for this development, however the applicant shows 152 spaces. On checking the plans, the spaces number greater than this. It is recognised that the site will work shifts to cover the effective operation of the site, perhaps the applicant could supply more information to explain how these shifts work, and how start times are staggered, and why this site should benefit from a relaxation of the parking standards adopted by this authority. There is mention that some staff jobs will be transferred to this site, it would be useful to know where these people live, to start to understand travel habits. I therefore need more information from the applicant to help explain further the operation of this proposed site.
- 5.7 All access seems to revolve around vehicle related travel, and does not consider employees who may come to work on foot, using public transport, or by cycle. It would be appropriate to have a controlled independent pedestrian and cycle route from Second Avenue into the site, at a convenient location, close to the underpass link, which would be adjacent to the access for vans and lorries.
- 5.8 With cyclists able to enter the site via the Second Avenue access, suitable cycle parking needs to be identified within or adjacent to the main building where it is safe and well surveilled (as stated in the D&AS, although plans show cycle parking at the remote end of the car park behind the refuse store where surveillance would not be possible). There is a requirement through the SCC Parking SPD 2011 that 17 long stay spaces and 17 short stay spaces should be provided. The long stay spaces must be within a secure enclosure, and both cycle parking areas shall be under a roof. Each cycle space must have provision of securely locking the cycle to prevent theft, such as Sheffield Hoops. Staff need to be provided with suitably sized lockers to accommodate cycle equipment, a change of clothing, and towels, preferably within the shower and changing areas.
- 5.9 *Note: an amended parking layout with justification has been submitted and, at the time of writing, is currently being considered by the Highways Officer. Further comments will be provided at the Panel meeting.*
- 5.10 **SCC Environmental Health - Update to be given at Panel.** The original noise report was preliminary. It recommended some noise levels for fixed plant and I agree with those levels, although there is some detail to be agreed on matters such as the measurement position. I am concerned on the interpretation however of the NPPF in that report. The previous use of the site was quiet, and I am not aware of any noise complaints regarding the previous site.
- 5.11 If this development goes ahead without sufficient safeguards in place, should I get complaints I will assess this complaint using BS4142 and there is no assessment within the application using this standard. Now that the application is at reserved matters, I believe a further report should be submitted as part of this application.



Within the report I would expect to see further details of the acoustic barriers to be installed, and to demonstrate their effectiveness in preventing noise from affecting the external environment of the house, and the internal environment of habitable downstairs rooms and rooms at first floor.

- 5.12 In addition I would also like to have further detail of which areas will be accessed by HGVs particularly at night. Other matters to consider are will refrigerated vehicles access the site and how are these assessed, how will reversing alarms on site be controlled and to identify whether a noise management plan is required for the site. I do not think there should be some doors at the end of the building facing onto the residential properties with the current barriers, and if possible the wash area to be relocated to elsewhere on the site, or at least the hours of operation to be limited.
- 5.13 The report should have greater regard to Para 129 of the NPPF which states that 'planning policies and decisions should aim to:...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;... mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;... recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby and uses since they were established.'
- 5.14 *Note: Additional information has been submitted by the applicant and, at the time of writing, is being considered by the Environmental Health Officer. It is recommended that should this issue remain unresolved at Panel a delegation is given to officers to resolve this issue (recommendation1) but if it cannot be resolved then the application can be refused (recommendation 2).*
- 5.15 **SCC Landscape Officer** – generally a high quality submission requiring minor changes. In particular the Allington Road boundary should be enhanced with tree planting rather than only a hedge (as shown on the illustrative layout and to replace those already felled).
- 5.16 **SCC Ecologist** – The Design and Access Statement from the outline application indicated that the landscape planting would consist predominantly of native species however, this is not the case. I would like the species list to be amended to include more native species or ornamentals with recognised wildlife value.
- 5.17 *Note: an amended landscaping plan has been received that satisfies the comments of the Council's Landscape Officer and Ecologist. The amendments will be secured with the attached planning condition, and the applicant has agreed to include 4 Field Maple trees along the Allington Road boundary.*
- 5.18 **SCC Sustainability** - The pre-assessment estimator shows that BREEAM 'Excellent' can be achieved. The energy strategy states that an energy efficient, low carbon approach has been utilised with the addition of renewable technologies (photovoltaics).

## **6.0 Planning Consideration Key Issues**

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

are:

- i) Principle of Development
- ii) Design and Landscaping
- iii) Impact on Residential Amenity
- iv) Highways
- v) S.106 Mitigation

## 6.2 Principle of Development

6.2.1 Policy REI9(iii) of the saved Local Plan Review safeguards the application site for employment uses, and is permissive of light industrial (B1c), research & development (B1b), general industrial (B2) and storage/distribution (B8). Outline planning permission was granted on this basis.

6.2.2 The current application proposes compatible uses and the proposed building's principal use will be a storage and distribution centre (B8) serving UPS. The applicants have explained that UPS will be relocating from Eastleigh with some 120 existing employees being relocated and 70 new jobs being created; including some 100 delivery drivers in total working shifts. The likely job creation could increase to some 227 by 2017 and the beneficial use of a vacant site is supported.

## 6.3 Design and Landscaping

6.3.1 The outline planning permission established the quantum of development and approved a 'Parameters Plan' (30348/FE/120) against which the reserved matters applications can be judged. The following parameters have been established:

Building Height - between 7.5 and 15.5m  
Building Width - between 10 and 150m

6.3.2 The current proposals sit within the established parameters. A modern warehouse building is proposed measuring 114m wide and 12.4m tall. The ancillary Vehicle Maintenance Unit also meets the required parameters.

6.3.3 The buffer between the buildings and the Allington Road boundary has been respected by the proposed layout. A revised landscaping scheme has been submitted to enhance the appearance of this boundary. The chosen design solution is considered to be appropriate for this site and its context as well as meeting the requirements set by the outline planning permission.

## 6.4 Impact on Residential Amenity

6.4.1 The defined building area has retained the existing line of development along the Allington Road frontage. Given the previous built form in this location and the restrictions imposed upon the replacement building (including the restriction on HGVs using Allington Road) it is considered that there will be no significant harm caused by the proposals. That said, the Environmental Health Officer (EHO) has raised concerns regarding the siting of 2 roller shutter doors facing the Allington Road neighbours. A planning condition is recommended to ensure that these doors remain closed between 11pm and 7am. Further details have been provided by the applicants and are currently being considered by the EHO. A verbal update on this matter will be given at the meeting.

6.4.2 The hours of use are unrestricted (as was previously the case) and any nuisance will be dealt with through the statutory processes. As such, subject to the EHO raising no further concerns, the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

## 6.5 Highways

6.5.1 The level of car parking proposed exceeds the maximum levels set at the outline stage (1/30sq.m B1a - 1/45sq.m B1c/B2 - 1/90sq.m B8 as set out in the Council's approved Parking Standards SPD). As such it represents a departure from the development plan. Applying the B8 standard to a development of 8,600sq.m the development should be supported by 96 spaces. Instead 152 are proposed (58% increase).

6.5.2 Notwithstanding the comments made by the Highways Officer and the request for further justification, as 120 employees are to be relocated from Eastleigh (where alternative modes of travel will be limited given the distance and likely shift patterns involved) and some 100 drivers are to be employed on a shift pattern basis (where additional parking is required to facilitate the shift change) a departure from the Council's adopted standards should, in this instance, be supported. The application is supported by a Green Travel Plan and enables the redevelopment of the site with additional job creation and will accrue wider regeneration benefits for the City. These benefits outweigh the policy requirements in respect of car parking.

6.5.3 The applicants propose to improve access for HGVs and these works can be resolved through the S.106 legal agreement that was agreed at the outline stage. Although the site has 24 hour use it is envisaged that the Second Avenue entrance will be the principal entrance, with staff using Allington Road only to access the proposed parking.

## 6.6 S.106 Mitigation

6.6.1 A S.106 legal agreement was signed at the outline planning stage to secure the necessary highway improvements necessary to facilitate safe access. Work is underway to secure the necessary Traffic Regulation Order (TRO) to enable these works to take place ahead of the development site becoming operational.

## 7.0 Summary

This reserved matters application for Phase 1 of the wider development scheme approved by outline planning application 12/00975/OUT is compliant with the agreed permission and site allocation. The re-configuration of this part of the site to provide modern, useable floorspace is welcomed and brings a vacant employment site back into use. The key issue at the time of writing relates to the use of secondary servicing doors fronting Allington Road and their subsequent impact on the nearest residential neighbours. Negotiations are ongoing on this issue with delegation sought in the event that this issue remains unresolved at the Panel meeting.

## **8.0 Conclusion**

The planning application complies with the planning policy designation and the principle of redevelopment has been previously assessed as acceptable. It is recommended that planning permission can be issued following the satisfactory completion of discussions with the Council's Environmental Health Officer.

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

1a-d, 2b & d, 4vv, 6a, c, e & l, 7a and 9a-b

#### **SH2 for 23/04/13 PROW Panel**

#### **PLANNING CONDITIONS (13/00206/REM) to include:**

*Note: all conditions imposed at outline stage remain valid.*

#### **1. APPROVAL CONDITION - Restricted Use [Performance Condition]**

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991 (as amended) the development hereby approved shall be used only for the purposes indicated in the submitted details (i.e. as a B8 storage and distribution centre) and not for any other purpose including B1 or B2 without the written approval of the Local Planning Authority.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

#### **2. APPROVAL CONDITION – Service Doors Restriction**

The service doors on the north-west elevation fronting Allington Road shown on plan ref: 30597/PL/111 shall not be used to serve the development (and shall be kept closed) between the hours of 11pm and 7am except in the case of an emergency.

REASON:

In the interests of residential amenity and as agreed by the applicant in their agent's email dated 10<sup>th</sup> April 2013.

#### **3. APPROVAL CONDITION – Parking**

The parking layout shown on amended plan ref: 30597/PL/114 for 152 parking spaces shall be marked out on site prior to the first use of the development hereby approved and shall, thereafter unless otherwise agreed in writing with the Local Planning Authority, be retained as approved to serve the use.

REASON:

As justification has been made for a departure to the Council's current standards and to ensure that the existing car parking is reconfigured to secure the necessary parking in the interests of highway safety.

#### **4. APPROVAL CONDITION – Landscaping**

The landscaping and boundary treatments shown on amended plan ref: 05 Rev B and 30597/PL/114, as amended by the applicant's email (dated 10<sup>th</sup> April 2013) that confirms a minimum of 4 Field Maples (minimum 14-16cm girth) and supported by the Barry Chinn

Soft Landscape Specification dated 5<sup>th</sup> April, shall be carried out prior to the first occupation of the buildings or during the first planting season following the full completion of building works, whichever is sooner.

**REASON:**

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

**5. APPROVAL CONDITION - Landscaping Replacement [performance condition]**

The approved landscaping scheme shall be maintained in accordance with the submitted Barry Chinn Soft Landscape Works Maintenance and Management Proposals dated 6<sup>th</sup> April as updated by the comments made by the Council's Ecologist on 9<sup>th</sup> April 2013 and agreed by the applicant's agent on 10<sup>th</sup> April. If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**REASON:**

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

**6. APPROVAL CONDITION - Details of Building Materials**

Unless otherwise agreed in writing with the Local Planning Authority the approved development shall be implemented only in accordance with those materials detailed on the approved drawings 30597/PL/105a and 30597/PL/106.

**Reason:**

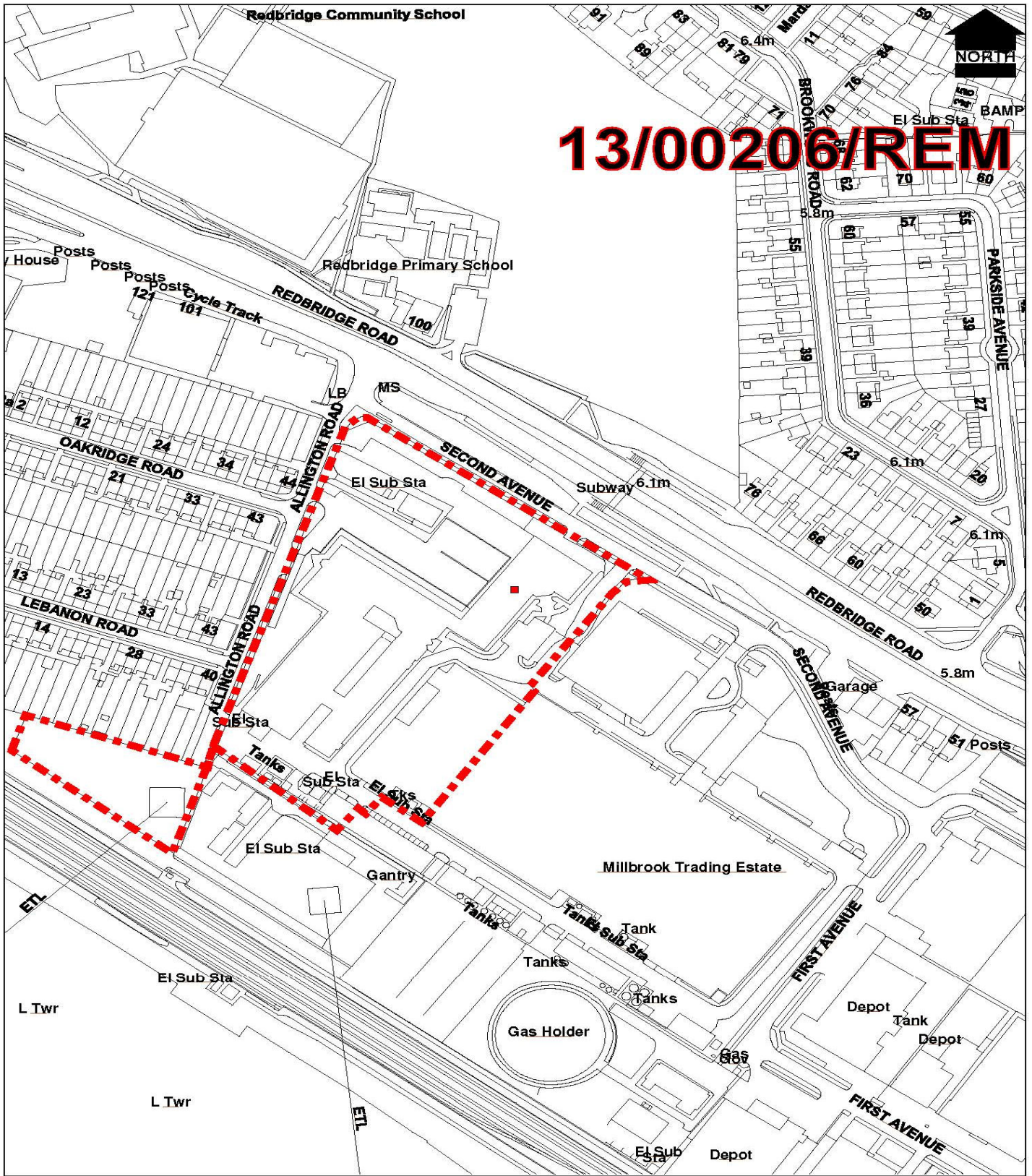
To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

**7. 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.



**13/00206/REM**

Scale : 1:2500

Date : 10 April 2013

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**Application 13/00206/REM**

**SOUTHAMPTON CITY COUNCIL  
PLANNING AND RIGHTS OF WAY PANEL  
EXTRACT FROM MINUTES OF THE MEETING HELD ON 11 DECEMBER 2012**

Present:

Councillors Mrs Blatchford (Except Minutes 85-86) (Chair), Claisse, Cunio, L Harris, Lloyd (Except Minute 87), Shields and Norris (Except Minutes 92-97)

Apologies: Councillor Smith

**94. N X P SEMICONDUCTORS, SECOND AVENUE /12/00975/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).

Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.

Mr Chambers (Agent) and Ms Jackson (objecting) (local business representative) were present and with the consent of the Chair, addressed the meeting.

The presenting officer report two additional representations had been received. An objection had been from the freeholder regarding highway mitigation measures. Another letter had been received from the SCC Team (as an internal consultee) which had no objections providing a condition be included regarding tree protection.

The presenting officer reported three additional conditions and an additional requirement to explore the feasibility of a TRO before the S106 agreement is completed and if not feasible to incorporate highway improvements in the vicinity of the site as part of the S106.

**RESOLVED**

- i) Subject to further work and decision being undertaken by officers regarding the proposed access to the site by HGVs (including revisiting the need for a TRO and having regard to the comments made by the freeholder) to delegate authority to the Planning and Development Manger to grant planning permission subject to the completion of a S106 Agreement, with such revised terms as are necessary relating to any highway works or improvements, the conditions in the report and additional conditions set out below: and
- ii) that the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement (including ongoing discussion and / or receipt of an independently verified viability assessment) and to remove, vary or add conditions as necessary.

Additional Conditions

18. APPROVAL CONDITION – Tree Protection

The Development shall be implemented in accordance with the tree protection

measures identified on the Barry Chinn drawing 02 rev A – ‘Tree Protection Plan’, with these measures being implemented prior to the commencement of development.

Reason:

In the interests of tree protection and the wider visual amenity.

**19. APPROVAL CONDITION – Noise – plant and machinery**

Development of each building shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

**20. APPROVAL CONDITION – Extract Ventilation – control of noise, fumes and odour**

Development of each building shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

**RECORDED VOTE:**

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

**ABSTAINED:** Councillor Claisse





## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town and Country Planning (Development Management Procedure) (England) Order 2010

Michael Sparks Associates - FAO Mr Ashley Chambers  
11 Plato Place  
St. Dionis Road  
London SW6 4TU

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

#### OUTLINE APPLICATION - **CONDITIONAL APPROVAL**

**Proposal:** Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.

**Site Address:** N X P Semiconductors Second Avenue Southampton SO15 0DJ

**Application No:** 12/00975/OUT

Subject to the following conditions.

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

Outline Planning Permission is hereby granted for the principle of up to 20,360sq.m of floorspace within use classes: non ancillary Office (B1a) - limited to a combined total of 3,000sq.m across the site - Light Industrial (B1c), General Industrial (B2) and/or Storage/Distribution (B8) subject to the following:

- (i) Written approval for the details of the following awaited reserved matters shall be obtained from the Local Planning Authority for each new building prior to any works associated with that building taking place on the site:
- the LAYOUT of the buildings on site and detailed siting of associated areas (including landscaping and parking),
  - the means of ACCESS (vehicular and pedestrian) to the site and the buildings with restrictions in place for associated HGV movements and access within Allington Road,
  - the APPEARANCE and architectural design specifying the external materials to be used,
  - the SCALE of the buildings indicating massing and building bulk,
  - and the LANDSCAPING of the site specifying both the hard, soft treatments, means of enclosures, lighting and their associated maintenance;

- (ii) An application for the approval of the outstanding reserved matters as they relate to all the new buildings shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission;
- (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).

**Note to Applicant**

As part of the reserved matters submission for individual buildings a site layout plan showing how the remainder of the site could be developed in a comprehensive manner within the limits of this permission will be expected.

**02. APPROVAL CONDITION - Established Parameters**

The development hereby approved shall be carried out only in accordance with the quantum of development and use, scale, access and siting details as set out on the Michael Sparks Associates 'Parameter's Plan' 30348/FE/120 dated May 2012.

**REASON:**

To define the extent of the planning permission and for the avoidance of doubt.

**03. APPROVAL CONDITION - Parking**

The parking to serve the development hereby approved shall not exceed the following 'maximum' standards unless otherwise agreed in writing with the Local Planning Authority through the submission of the reserved matters applications for each building:

1 space per 30sq.m of B1a office

1 space per 45sq.m of B1c light industrial and B2 general industrial

1 space per 90sq.m of B8 storage and distribution

**REASON:**

To define the extent of the planning permission and for the avoidance of doubt, whilst seeking to ensure an adequate amount of on-site parking is available whilst promoting alternative modes to the private car for travel.

**04. APPROVAL CONDITION - BREEAM Standards (Commercial)**

Unless otherwise agreed in writing by the Local Planning Authority (LPA), before the development of each building hereby approved commences written documentary evidence demonstrating that the development will achieve a minimum rating of 'Excellent' against the BREEAM (2011) standard shall be submitted to the LPA for its approval. The submission shall take the form of a design stage assessment.

**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). In the event that an occupier is found that cannot meet BREEAM (2011) 'Excellent', as it requires significant refrigeration, mechanical processes or other high energy requirements that are not anticipated at this outline stage, this shall be taken into consideration by the LPA as part of the condition's sign off process following the receipt of adequate justification for doing so.



**05. APPROVAL CONDITION - BREEAM Certification**

Within 6 months of each building first becoming occupied written documentary evidence proving that the development has achieved the required rating against the BREEAM standard (as set out in the above planning condition) in the form of a post construction certificate as issued by a legitimate BREEAM 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 - Sustainable Drainage Systems (SUDS)**

Prior to the commencement of development works for each building hereby approved a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

**REASON:**

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

**07. APPROVAL CONDITION - Surface Water Drainage**

Construction of each building hereby approved shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall proceed in accordance with the agreed details,

**REASON:**

In the interests of proper planning and securing adequate means of drainage to serve the development as requested by Southern Water in their consultation response dated 24th July 2012.

**08. APPROVAL CONDITION - Bird Hazard Management Plan**

Development of each building hereby approved shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

**REASON:**

It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Southampton Airport.



**Note to Applicant:**

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

**09. APPROVAL CONDITION - Archaeological investigation**

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

**REASON:**

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

**10. APPROVAL CONDITION - Archaeological work programme**

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

**REASON:**

To ensure that the archaeological investigation is completed.

**11. APPROVAL CONDITION- Land Contamination Investigation**

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;
  - o historical and current sources of land contamination
  - o results of a walk-over survey identifying any evidence of land contamination
  - o identification of the potential contaminants associated with the above
  - o an initial conceptual site model of the site indicating sources, pathways and receptors
  - o a qualitative assessment of the likely risks
  - o 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.

**12. APPROVAL CONDITION - Use of uncontaminated soils and fill**

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.

**13. APPROVAL CONDITION- Unsuspected Contamination**

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.

**14. APPROVAL CONDITION - Hours for Construction**

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

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

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

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

**REASON:**

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

**15. APPROVAL CONDITION - Construction Method Statement**

Prior to the commencement of any works associated with each building 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 routing; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use



in the event that they wish to raise concerns. The approved 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 - Refuse & Cycle Storage**

Details of refuse and cycle storage to serve each building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each building to which the storage will relate. The affected building shall be implemented in accordance with these agreed details prior to its first occupation with retention thereafter.

**REASON:**

To ensure adequate refuse and cycle storage in the interests of good site planning and the encouragement of sustainable development.

**17. APPROVAL CONDITION - Piling [Pre-Commencement Condition]**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:**

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

**Condition Informative 1**

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

**Condition Informative 2**

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

**18. APPROVAL CONDITION - Tree Protection**

The development shall be implemented in accordance with the tree protection measures identified on the Barry Chinn drawing 02 rev A - 'Tree Protection Plan', with these measures being implemented prior to the commencement of development.

**REASON:**

In the interests of tree protection and the wider visual amenity.

**19. APPROVAL CONDITION - Noise - plant and machinery**

Development of each building shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

**Reason:**

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



20. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour  
Development of each building shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

Notes to Applicant

Southern Water - Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858600) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Environment Agency Commentary

The Environment Agency recommend (in their formal response by email dated 23rd July 2012) that developers should:

- o Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by land contamination;
- o Refer to the Environment Agency guiding principles for land contamination for the type of information that they require in order to assess risks to controlled waters from the site;
- o Refer to the EA website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Indicative Plans

Whilst the indicative plans submitted have been used to demonstrate that the quantum of development can be accommodated on the site the Local Planning Authority has treated them as indicative for the purposes of the planning application and reserves the right to make further detailed comment on receipt of a reserved matters layout.

Note to Applicant - Pre-Commencement Conditions

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

Note to Applicant - Performance Conditions

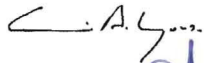
Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's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

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development is considered to comply with the policy designation as an employment site and further details will be provided through the reserved matters applications. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions and a S.106 legal

agreement as detailed in the report to Panel on 11th December 2012. Other material considerations do not 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' policies SDP1 (Quality of Development), SDP4 (Development Access), SDP5 (Parking), SDP7 (Context), SDP9 (Scale, Massing and Appearance), SDP10 (Safety & Security), SDP22 (Contaminated Land) and REI9(iii) (Industry & Warehousing) of the City of Southampton Local Plan Review (Adopted 2006), and policies CS6 (Economic Growth), CS7 (Safeguarding Employment Sites), CS13 (Fundamentals of Design), CS18 (Transport), CS19 (Car & Cycle Parking), CS20 (Tackling & Adapting to Climate Change), CS24 (Access to Jobs) and CS25 (Delivery of Infrastructure) of the City of Southampton Local Development Framework Core Strategy (Adopted 2010) as supported by the Council's current adopted Supplementary Planning Guidance.



**Chris Lyons**  
**Planning & Development Manager**

30 January 2013

If you have any further enquiries please contact:  
**Stephen Harrison**

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings.

| <b>Drawing No:</b> | <b>Version:</b> | <b>Description:</b>         | <b>Date Received:</b> | <b>Status:</b> |
|--------------------|-----------------|-----------------------------|-----------------------|----------------|
| 30348/FE/120       |                 | General Plan                |                       | Approved       |
|                    |                 | Design and Access Statement |                       | Approved       |
|                    |                 | Planning Statement          |                       | Approved       |
| WATERMAN           |                 | Flood Risk report           |                       | Approved       |
| SHARPS ACOUSTICS   |                 | Acoustic report             |                       | Approved       |
| CGMS               |                 | Archaeology report          |                       | Approved       |



**NOTES**

1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals can be submitted on line [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been granted other than subject to the conditions imposed by it having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under that Order.
4. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
7. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
8. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS**



## **Application 13/00206/REM**

### **POLICY CONTEXT**

#### Core Strategy - (January 2010)

CS6 (Economic Growth)  
CS7 (Safeguarding Employment Sites)  
CS13 (Fundamentals of Design)  
CS18 (Transport)  
CS19 (Car & Cycle Parking)  
CS20 (Tackling & Adapting to Climate Change)  
CS24 (Access to Jobs)  
CS25 (Delivery of Infrastructure)

#### City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)  
SDP4 (Development Access)  
SDP5 (Parking)  
SDP7 (Context)  
SDP9 (Scale, Massing and Appearance)  
SDP10 (Safety & Security)  
SDP22 (Land Contamination)  
REI9(iii) (Industry & Warehousing)

#### Supplementary Planning Guidance

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

#### Other Relevant Guidance

National Planning Policy Framework (2012)

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## **Application 13/00206/REM**

### **Relevant Planning History**

Various permissions for ancillary works following the approval of a factory in the mid 1950s. Key permissions relevant to the current application would include:

12/00975/OUT – Conditionally Approved 30.01.2013

Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.

12/01109/FUL – Conditionally Approved 30.01.2013

Demolition of existing office building. Erection of a new 3-storey office building including roof plant, car parking and landscaping together with reconfiguring existing car parking to manufacturing unit.

12/01235/NMA - No Objection 24.08.2012

Application for a non-material amendment to planning permission ref 12/00307/FUL to enable part retention of existing store previously identified for demolition.

12/00795/SCR - No Objection 14.06.2012

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for proposed redevelopment of land within the former NXP - Selex site for office uses (B1)

12/00599/DPA - No Objection 11.05.2012

Prior notification for the proposed demolition of buildings at former NXP site.

12/00307/FUL - CAP 26.04.2012

Partial demolition of existing warehouse and ancillary buildings and make good

The demolition works have been EIA screened (12/00025/SCR)

12/00025/SCR - No Objection 26.01.2012

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for the partial demolition of existing buildings and redevelopment of the site.

1102/49 - CAP 16.02.1957

factory and admin block (alt. ref. 5057) (previously called Mullards, Western Manufacturing Co)

1070/58R1 - CAP 06.12.1955

Erection of factory and offices

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# Agenda Item 12

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|  |                                     |                             |  |
|--|-------------------------------------|-----------------------------|--|
| <b>Application address:</b><br>East Street Shopping Centre, East Street and adjoining land   |                                     |                             |  |
| <b>Proposed development:</b><br>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). |                                     |                             |  |
| <b>Application number</b>  | 13/00415/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>  | 13.06.2013                          | <b>Ward</b>                 | Bargate                                |
| <b>Reason for Panel Referral:</b>  | Departure from the Development Plan | <b>Ward Councillors</b>     | Cllr Bogle<br>Cllr Noon<br>Cllr Tucker |

|                                    |                         |
|------------------------------------|-------------------------|
| <b>Applicant:</b> Arcadian Estates | <b>Agent:</b> Firstplan |
|------------------------------------|-------------------------|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application proposes a new convenience retail development within the primary shopping area of the city and offers significant economic and regeneration benefits. The application constitutes a Departure from the Development Plan due to the failure to meet the BREEAM Excellent standard required by Core Strategy Policy CS20. However, this issue has been weighed in the balance with other material considerations. The impact of the development in terms of transport, design and neighbour amenity issues is considered to be acceptable. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP11, SDP13, SDP14, SDP16, SDP22, HE6, REI3, REI4, REI8, TI2 and MSA1. of the City of Southampton Local Plan Review (March 2006) and Policies CS1, CS3, CS6, CS9, CS13, CS18, CS19, CS20, CS23, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

|                          |                           |   |                              |
|--------------------------|---------------------------|---|------------------------------|
| <b>Appendix attached</b> |                           |   |                              |
| 1                        | Development Plan Policies | 2 | City Design Officer Comments |

## **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).
  - 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 & 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. Provision of CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy Policies CS13 and CS25.
  - vi. Submission and implementation within a specified timescale of a Travel Plan.
  - vii. Financial contribution or works of improvement to the public realm in accordance with policy and the relevant SPG.
  - viii. Measures to ensure the new pedestrian and cycle routes are provided and maintained for public use in perpetuity.
  - ix. A Car Park Management Plan to ensure public car parking is provided and retained.
  - x. Implementation of landscaping improvements to the adjoining site at Challis Court.
  - xi. 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.
  - xii. Submission and implementation of a refuse management plan.
- 

2) 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.

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. Introduction**

This proposal is very similar to the application considered by the Panel in



November of last year (reference 12/01355/FUL). The only changes with the current proposal relate to the highways alterations in Evans Street. No changes are proposed to the building or car parking area.

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

- 2.1 The application site is an area of approximately 2 hectares and incorporates the East Street Shopping Centre, the 13-storey Capital House office building, the Royal Oak Public House at the corner of Evans Street and Houndwell Place and the landscaped car parking area of the residential block at Challis Court fronting Lime Street. The application site also incorporates areas of existing public highway at Houndwell Place, Evans Street, Marsh Lane, Lime Street and at the junction of Evans Street and St Mary Street.
- 2.2 The East Street Centre is an enclosed shopping centre of small retail units comprising approximately 8,000 square metres floorspace over two floors although now vacant. There is an existing pedestrian route through the shopping centre which links the end of East Street to Evans Street but this is only open during daylight hours. There is a car parking area on the roof of the shopping centre which currently provides 205 spaces for public use and 22 spaces for use by office tenants of Capital House. This car park is accessed from a ramp at the eastern end of Lime Street. Servicing to the shopping centre took place in various service bays to the south and east of the building. The Capital House building has its frontage onto Houndwell Place. The Royal Oak Public House is a two-storey building. Challis Court is a 3 and 4-storey block of flats which forms part of the Holyrood Estate. The application site is within the city centre and within the Primary Shopping Area as defined in the Local Plan.
- 2.3 The surroundings are a mixture of residential and commercial uses with retail uses adjoining to the west in East Street, including the Debenhams store. Predominantly residential uses adjoin to the east on the opposite side of Evans Street with the exception of Central Hall which is a locally listed building in use for community and religious use.

## **3. Proposal**

- 3.1 The current application involves the demolition and redevelopment of the East Street Shopping Centre to provide a new foodstore for Morrisons. The proposed store would be 5,534 square metres gross floorspace with a net sales area of 2,722 square metres, a customer cafe and car parking for 286 vehicles on two levels above the foodstore. Travelators will take customers and trolleys to and from the foodstore and car park.
- 3.2 The siting of the new foodstore allows for the creation of a new open pedestrian route between East Street and Evans Street. The main entrance to the new foodstore would be at the western end of this route with the cafe at the eastern end. Vehicular access to the car park will be via a ramp from a new roundabout constructed on Evans Street at the location of the existing Threefield Lane/Evans Street/Marsh Lane junction. Servicing for the store will be on the Evans Street side of the building at ground floor level. Access will be taken directly from the new roundabout with a separate entrance and exit onto Evans Street.
- 3.3 Capital House and the Royal Oak Public House would be retained and altered

as part of the proposals. A new car park with spaces for 28 cars will be provided for the office users of Capital House with access from Houndwell Place.

- 3.4 The application proposes various highway alterations in the vicinity of the new foodstore including: maintaining Evans Street as a dual carriageway in both directions; the closure of the existing subway under Evans Street and the construction of a new surface level 'Toucan' crossing over Evans Street to tie in with the new East Street link; the closure of Lime Street to vehicles to be replaced by a new footpath/cycleway and landscaping adjoining Challis Court; creation of a new lay-by on Evans Street adjoining the Royal Oak pub to be used as a taxi rank and drop-off point for disabled drivers. The application includes landscaping and public realm improvements around the new store. On the south elevation of the building a 'green wall' will be created to screen the car park ramp. At the foot of the 'green wall' a new footpath/cycleway will follow the edge of the existing Lime Street. Additional landscaping will be provided to Challis Court which will be designed to integrate with existing Council proposals to upgrade landscaping on the Holyrood Estate. The existing service yards to the shopping centre and the access ramp to the car park are currently adopted public highway. These areas of highway will need to be closed as will Lime Street as part of the proposals.
- 3.5 The application is accompanied by a series of supporting/background documents including: a Design and Access Statement; Transport Assessment; Flood Risk Assessment; Energy Strategy; Desk-top Archaeological Survey; Noise Assessment and Statement of Community Involvement.

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

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The application site is part of the defined Primary Shopping Area and a secondary retail frontage. The most relevant policies to these proposals are set out at **Appendix 1**.

- 4.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

- 4.3 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.

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

- 5.1 The existing shopping centre dates from the early 1970's, planning permission was granted in July 1971 for a 10-storey office building with entrance hall, an arcade of shops, a roof top car park, a public house, caretakers flat, pedestrian square and associated roads, footpaths, service areas, ramps and walkways.
- 5.2 There have been a series of subsequent planning decisions for alterations, including new shopfronts and changes of use which are not directly relevant to

the current application.

- 5.3 In December 2011 a 'Screening Opinion' was issued confirming that the development subject of this application did not require the submission of an Environmental Statement (reference 11/01759/SCR).
- 5.4 In March of this year planning permission was granted for redevelopment of the 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 (reference 12/01355/FUL).

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

- 6.1 The applicant carried out extensive pre-application consultation as part of the previous application including a public exhibition in January 2012 as well as presentations to local residents groups and other bodies. Following the receipt of this planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (22.03.2013) and erecting a site notice (21.03.2013). The application has also been advertised as a Departure from the Development Plan due to issues associated with Core Strategy Policy CS20 dealt with later in this report. At the time of writing the report 0 representations have been received from surrounding residents.
- 6.2 **Associated British Ports (ABP)** - This amended application has ABP's support. ABP have decided not to pursue its previous objection to the replacement of the existing subway and the introduction of a roundabout and therefore raises no objection to this application. Notwithstanding this view, the Council should be aware that ABP retains grave misgivings about the basis of the Transport Assessment submitted with the application and is concerned about the City Council's future intentions for the A33 (both via The Avenue and via West Quay Road) on which the Eastern Docks entirely depend. The Transport Assessment says that the applicants agreed with the Council that it would not be necessary to apply any traffic growth factors. ABP believes this to be an untenable assumption. In addition to the Port's growing transport needs, which the assessment does not consider, very large-scale development proposals are included within the City Centre Action Plan, many of which require to be served by the A33. The CCAP makes reference to proposed narrowing of carriageways on the A33 and has already published proposals for cycleways to be provided. ABP will strongly oppose any such proposals and interventions that are not in the interests of the Port.
- 6.3 **SCC Highways** - Following the earlier approval, and subsequent dialogue with ABP, this scheme has been changed to address the concerns raised by ABP. It is still the opinion of highways officers that the proposed road scheme is over engineered but is acceptable. An at grade pedestrian crossing facility is still provided on the desire line from the new link walkway to St Marys Street, to replace the existing poor quality subway. The plans show a road which maintains appropriate access to and from the strategic road network, and has

adequate capacity for traffic generated on busy cruise days, although principal access to the port is still recognised as being via the A33 Western Approach and West Quay Road, which is to benefit from the improvements offered by the Platform Road scheme, due to start shortly. Access to the store car park and to the delivery area remain unchanged, and it is recognised that the majority of vehicle trips to this store are already on the network, therefore it is only a local change of choice of location to park. The road changes and construction will be covered by a Section 278 Agreement which will ensure that the city council criteria are met, including the materials to be used as surface finishes.

- 6.4 **SCC City Design** – This application is essentially the same as the previously approved scheme but revised to omit the narrowing of Evans Street. In urban design terms, it is disappointing that the revised application retains two lanes in each direction but it does retain the straight-over, two-stage pedestrian crossing as per the previous application, aligned with the new pedestrian route. This was the most positive aspect of the Evans Street intervention so I can support the revised submission through its retention. (The Design Officer's full comments on the application are included in Appendix 2 of this report).
- 6.5 **SCC Sustainability Team** – The development has been assessed against a superseded version of BREEAM (2008). The current BREEAM assessment method at the time of application should be used, as it is updated to reflect any changes in Building Regulations etc and amended to overcome any issues that have been found in the previous versions. Therefore the submitted information does not demonstrate that BREEAM Excellent will be able to be met as required by policy CS20. Therefore Sustainability objects to this application unless amended information is submitted demonstrating that BREEAM Excellent can be met under the current assessment (2011). In addition, connection to the district energy systems should be considered, the Holyrood system is located close to the development site. It is recommended that discussions are undertaken with Cofely to see whether a connection is viable as this may assist the development in being policy compliant.
- 6.6 **SCC Rights of Way Officer** – The Public Rights of Way Section has no objection to this proposal. The application contains welcomed improvements regarding a pedestrian link with Evans Street and beyond to the St Mary's area, and a shared pedestrian/cycle route just to the north of Challis Court. What public rights exist are embedded in the vehicular carriageways and pedestrian footways, (pavements), that constitute the highway infrastructure within the site. As adopted highways, they come under the immediate jurisdiction of this Council's Highways Services Partners.
- 6.7 **SCC Archeology** - The East Street Centre was built during the early 1970s, at a time when archaeological excavations were not a requirement of planning permission. Consequently there is little information in the archaeological record as to the impact of the development on this important medieval suburb, and an historic assumption that the construction of the centre destroyed much of the below-ground deposits. However, while the construction methods commonly in use in the 70s caused significant damage to archaeological deposits, excavations in other parts of the country have frequently demonstrated remarkable survival. It is therefore essential that a better understanding of the nature of any surviving archaeological remains on this site is better understood,

and appropriate mitigation measures agreed prior to the proposed development proceeding. It is not possible at this stage to state definitively what the impact of the development will be on archaeological deposits and further evaluation will be required. It is strongly recommended that the evaluation is commissioned as soon as possible.

6.8 The method of construction of the existing building will be a significant factor in locating evaluation trenches. At present it is not clear what the original foundation layout is, and therefore what impact this will have on locating evaluation trenches. It would be helpful if this information could be supplied by the applicant in order that an evaluation strategy can be conceived. The evaluation should attempt to determine the following:

- The nature, extent, significance, and depth of surviving archaeological deposits
- The extent of level reduction on the southern part of the site
- The likely damage to archaeological deposits caused by the construction of foundations and piles for the existing building
- The potential for services associated with the new development to damage or destroy archaeological deposits.

It is important that at least one trench is located on the line of the proposed new sewer as this will have a direct impact on the Wolff cannon foundry. Subject to the results of the evaluation, it is likely that a further programme of archaeological work will be required, comprising of a mixture of excavation and watching brief as appropriate.

6.9 **SCC Environmental Health (Contaminated Land)** - The proposal is for the construction of a new foodstore. This is not regarded as a sensitive land use, however, the mobilisation 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. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses: - Printing Works, Laundry and Brewery (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and Policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. To facilitate this it is recommended that if planning permission is granted, conditions be attached.

6.10 **SCC Employment Skills Team** - An Employment and Skills Plan (ESP) is required for the previous planning application reference 12/01355/FUL. This amended application retains the same requirement for an Employment and Skills Plan covering the construction and end use occupation of the development.

6.11 **SCC Ecology** – no objection to the amended scheme, previous comments still apply as copied below:

'The application site has been subjected to an Extended Phase 1 Habitat Survey. This survey concluded that the site is of negligible value to bats and limited value to nesting birds. Permanent adverse impacts on local biodiversity are therefore unlikely. The construction phase poses low risk to nesting birds however, this can be addressed through vegetation clearance either at an appropriate time of year, September to February inclusive, or under the supervision of a suitably qualified ecologist. In addition, as the presence of bats can never be ruled out, features that could support bats, such as the cracks in the concrete car park wall and the gap between the main 'Eastreet' Shopping Centre sign and ridged concrete behind, should be subjected to a 'soft strip' during demolition. In the unlikely event of a bat being found, work should stop and a licensed bat ecologist brought in to assist. It is pleasing to see the addition a green wall and a commitment to use native species. The green wall in particular will improve the quality of the local environment for both people and wildlife.'

6.12 **BAA** – No aerodrome safeguarding objections to the application.

6.13 **Environment Agency** - no objections to the proposed development. The finished floor levels of the proposed development are to be set at 3.54m AOD. Over the development life of the building, the predicted 1 in 200 year future tide level is estimated at 3.60m AOD. Detailed modelling for the Tidal Itchen shows that a 3.60m event would not affect the site, although road access to the East of the site may experience low level flooding (Marsh Lane, St Mary Street). As there will be a reduction in impermeable area, there will be a small reduction in surface water runoff from the site. The site and surrounding area has been identified as an area potentially at risk of surface water flooding, there may be potential to reduce flood risk in the area through the development of the site by reducing surface water to less than the existing, however, this would need to be agreed between the LPA and the developer.

6.14 **Southern Water** – No objections, initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. There is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposal would increase flows to the public sewerage system and any existing properties and land may be subject to a greater risk of flooding as a result. The applicant should investigate alternative means for surface water disposal which may include attenuation and storage on site.

## 7. **Planning Consideration Key Issues**

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

- The principle of this form of retail development.
- Design issues including the site layout and new pedestrian route as well as the external appearance of the building.
- Transport issues including the impact on the highway network, access arrangements for the store and the level of car parking proposed.
- Regeneration, environmental and sustainability issues.
- The impact on the amenities of neighbouring occupiers.

## 7.2 Principle of Development

The principle of this development has clearly been established by the recent grant of permission. The East Street Centre was the first purpose built shopping centre in the city but it has been in decline for many years and no longer provides a retail function. The city centre is currently well represented by comparison goods retailers. However, the Southampton and Eastleigh Retail Study published last year to inform the policy approach for the city, found the city centre had a below average representation of convenience floorspace and existing supermarkets were underperforming. There are smaller convenience stores suitable for top-up shopping but these are mostly in the western part of the primary shopping area. The applicants state that the proposed Morrisons is a predominantly grocery business with a modest comparison goods range amounting to approximately 20% of the floorspace. The emerging City Centre Action Plan (CCAP) promotes new superstores in the east and west of the city centre and recommends that the eastern superstore should be located within the existing primary shopping area. The NPPF confirms previous national and local guidance of directing proposals for retail uses to town or city centres first. As the site is within the defined primary shopping area there is no requirement to undertake sequential or retail impact tests prescribed by the NPPF. In these circumstances the new retail development is policy compliant and the principle is acceptable.

## 7.3 Design Issues

The existing building is monolithic and an eyesore which significantly detracts from the environment of the surrounding area. The shopping centre also creates a strong physical barrier which restricts east-west movement in the city centre. A proposed modern foodstore will significantly enhance the appearance of the area. The design of the proposed building has not changed compared to the recent grant of permission. Members' attention is drawn to the detailed comments on the application from the Council's City Design team which are in Appendix 2 of this report. The proposed building will have three public sides and inevitably active frontages cannot be provided to all three sides given the requirements of the operators. The decision was taken to concentrate the active frontage on the north side of the building adjoining the new pedestrian route which is considered to be acceptable. There will be entrances at either end of this frontage with the main store entrance being visible from the end of East Street and the cafe entrance at the Evans Street end. The scale and form of the building is considered to be acceptable and appropriate for its context. The location of the service bay on the Evans Street frontage of the building has considerable advantages in limiting vehicle movements through the narrow streets adjoining the Holyrood Estate but it does result in a large entrance area to the eastern elevation. This is an inevitable consequence of the servicing arrangements and subject to seeking further details of the treatment to this elevation and external materials is considered to be satisfactory.

7.4 The removal of the existing shopping centre also offers an important opportunity to enhance connectivity in this part of the city centre by restoring a link between East Street and Evans Street. Various options for the alignment of a new pedestrian route have been investigated. A more direct straighter route would perhaps be the ideal situation but this would not have allowed for a sufficient footprint for a new foodstore and would have resulted in two vehicular servicing areas being required. The application proposal results in an angled alignment to

the new pedestrian route which would allow for a suitable connection to the St Mary's area as well as providing a large footplate for the retail store, with car parking above, and a single servicing area for large vehicles. The new pedestrian route would be 6.5 metres wide which is sufficient to create a human scale and a suitable sense of enclosure. A more comprehensive development, including Capital House and the Royal Oak Public House, would have offered wider advantages but this has not proved possible. The footprint of the new building would not prejudice the future redevelopment of this adjoining site and in the interim details of landscaping and means of enclosure can be secured by conditions. The landscaping treatment to the south side of the building, including a proposed green wall to screen the ramp to the car park would significantly enhance the appearance of the area. Again, there are no changes to these aspects of the application compared to the recent approval.

## 7.5 Transport Issues

The proposed access arrangements will be a significant improvement on the existing arrangements whereby both cars and larger vehicles access the site from the west off Queensway, East Street and Lime Street. Accessing the site directly off a new roundabout will remove a significant amount of traffic from these narrow roads and the adjoining Holyrood Estate. Members will recall that the previous application proposed narrowing the carriageway in Evans Street to a single lane in both directions. This was based on the desire to change this part of the road network from a traffic dominated highway to one where there is a more appropriate balance between all users including pedestrians and cyclists. The Council's Highways officers were satisfied that this narrowing of Evans Street would not adversely affect overall highway capacity along the A33 corridor in this part of the city centre. However, this approach was a concern for ABP who considered the proposals would reduce traffic capacity and thereby compromise the economic future of the Port of Southampton. In response to these concerns the applicant has agreed to revise the road layout to maintain a dual carriageway in both directions whilst still incorporating improvements to pedestrian movement. These changes are the closure of the pedestrian subway beneath Evans Street, the provision of a new traffic light controlled crossing to align with the new pedestrian route to the north of the store and widening of the footways especially at the junction with St Mary Street. It is considered that the revised road arrangements represent an acceptable balance between the needs of all highways users.

- 7.6 The proposed closure of the subway under Evans Street will improve pedestrian safety and security as has happened elsewhere in the city centre, for example at Charlotte Place. It is unfortunate that the works do not extend to altering the gradient of Evans Street following closure of the subway. A highways closure procedure will be needed following the grant of planning permission to stop up the eastern end of Lime Street and the servicing yards and car park ramp which are currently adopted. These areas of highway to be stopped up are relatively small and their current role is mainly as access to serve the existing shopping centre. The pedestrian route in Lime Street will be replaced by a new footway/cycleway. The proposed car parking will replace the existing public provision with a small increase. The number of spaces is in accordance with the parking standards and it is intended that the car park will be available for general public car parking as well as for Morrisons customers. The car park management arrangements can be controlled through the Section 106 agreement as has been done elsewhere in the city, at IKEA for example.



## 7.7 Regeneration and environmental issues

The redevelopment of this largely vacant site offers significant regeneration benefits to this part of the city centre. Approximately 400 new jobs will be created and Morrisons state that for a typical store 75% of the workforce live within 3 miles of the store. The employment benefits to the local area can be secured through the training and employment management plan as part of the Section 106 agreement. The development involves a significant investment in this part of the city centre and the provision of a retail anchor store should result in spin-off benefits which will enhance the vitality and viability of the East Street shopping area.

- 7.8 In terms of sustainability issues the submission of the application (which originally targeted BREEAM 2008 Excellent) was scheduled for submission at the end of 2011 but was delayed due to protracted legal negotiations. In the intervening period, BREEAM 2008 was superseded by BREEAM 2011, which the applicant considers poses significant viability and technical problems for achieving an Excellent rating. The applicants together with Morrisons, the future tenant, have undertaken further investigation of the practicalities of targeting the additional credits necessary to achieve BREEAM excellent. Morrisons have confirmed that they can meet the majority of the credits, with the exception of Ene 02, Ene 06 and Pol 01. This results in a BREEAM 2011 rating of 69.37% Very Good, which is just short of the 70% required for BREEAM 2011 Excellent. In the circumstances of this case and the significant economic development and regeneration benefits of the proposal, this minor shortfall in the BREEAM credits is considered to be acceptable.

## 7.9 Neighbour amenity issues

The nearest residential neighbours are in Challis Court. The proposed building would move closer to Challis Court but as it is on the north side of these residents there will be no loss of sunlight. The closure of part of Lime Street will result in a significant reduction in the amount of traffic adjoining these neighbours and the provision of an enclosed service yard will mean that noise from servicing has limited impact on local residents. The considerable visual improvements resulting from this application will benefit those residents who currently overlook the site.

## 8. Summary

- 8.1 This proposal would replace an existing eyesore at a prominent location in the city centre. The new foodstore will provide a new retail destination at the eastern end of the primary shopping area which will enhance the convenience retail offer and provide significant regeneration benefits. The proposal is policy compliant and the issues of transport, car parking, design and environmental issues have been satisfactorily addressed. This application is, in effect, an amendment to the previous approval. All the relevant planning considerations remain unchanged with the exception of the proposed road layout. The new highway arrangements are considered to be an acceptable compromise with improvements for all highway users.

## 9. 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), 3(a), 4(d), 4(e), 4(g), 4(r), 4(uu), 4(vv), 6(a), 6(c), 7(a), 8(a), 9(a) and 9(b).

#### **RP2 for 23/04/2013 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, apart from demolition of the existing buildings, 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, apart from demolition of the existing buildings, 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 scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

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

**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 - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

**08. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]**

No development approved by this permission, apart from demolition of the existing buildings, 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.

**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 - Demolition Methodology Report [Pre-Commencement Condition]**

No demolition works or site preparation works shall take place on the site unless and until plans, cross-sections and technical information has been provided to and approved by the Local Planning Authority to show that for full or partial demolition (superstructure removal) an engineering demonstration has been carried out to show that any remaining construction (retaining walls, basement substructure) would be stable either in its own right or with suitable temporary propping mitigation measures (props, shores, thrust blocks, buttresses, etc.). This information should also address any safety and site security issues (such as the treatment of unprotected edges, clear drops, confined spaces, below ground level (or part ground level) areas, etc.) related to and resulting from such full or partial demolition works.

Reason:

To ensure the proper consideration of on-site and potential off-site land stability and associated safety issues related to demolition works.

**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 - 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), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed  
Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

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

### **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 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.

### **14. 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.

### **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. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

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

### **16. APPROVAL CONDITION - Delivery hours (Performance Condition)**

No deliveries shall be taken at or despatched from the retail use hereby approved outside the hours of 0600 hours to midnight on any day.

Reason

To protect the amenities of neighbours

### **17. APPROVAL CONDITION - Shopping Trolley Management Scheme (Pre-Occupation Condition)**

The retail use hereby approved shall not commence until a shopping trolley management

scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of safety and security and the amenities of the area.

**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 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 retail purposes.

Reason:

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

**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 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.

**20. APPROVAL CONDITION - Servicing arrangements (Performance Condition)**

No servicing, loading or unloading relating to the retail use hereby approved shall take place other than from the enclosed service yard as shown on the approved drawings.

Reason

In the interests of safety and the amenities of the area.

**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 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.

**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. The approved scheme shall be implemented before the first retail use of this part of the building and thereafter retained.

Reason

In the interests of the safety and security of the area.

**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. The works shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

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

**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. These details shall include surface treatment, seating and any means of enclosure. The approved measures shall subsequently be implemented unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending order, no gates, walls, fences or other means of enclosure shall be installed on the new pedestrian walkway between East Street and Evans Street without the prior approval of the Local Planning Authority.

REASON

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

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

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason:

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

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

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

Reason:

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

**27. 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

### **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.

#### 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).

### **29. 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.

### **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. 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).

### **31. APPROVAL CONDITION - Treatment to the Eastern Elevation (Pre-Commencement Condition)**

Notwithstanding what is shown on the approved drawings and prior to the commencement of development, apart from demolition of the existing buildings, details of the design treatment to the eastern elevation of the building 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 unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS3  | Promoting Successful Places                                |
| CS6  | Economic Growth  |
| CS9  | Port of Southampton  |
| CS13 | Fundamentals of Design                                     |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car & Cycle Parking  |
| CS20 | Tackling and Adapting to Climate Change                    |
| 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              |
| SDP13 | Resource Conservation                 |
| SDP14 | Renewable Energy                      |
| SDP15 | Air Quality                           |
| SDP16 | Noise                                 |
| SDP17 | Lighting                              |
| SDP22 | Contaminated Land                     |
| HE6   | Archaeological Remains                |
| CLT14 | City Centre Night Time Zones and Hubs |
| REI3  | Primary Retail frontages              |
| REI4  | Secondary Retail Frontages            |
| REI8  | Shopfronts                            |
| TI2   | Vehicular Access                      |
| MSA1  | City Centre Design                    |

Supplementary Planning Guidance

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

Other Relevant Guidance

The National Planning Policy Framework 2012  
City Centre Action Plan - Preferred Approach (January 2012)

**City Design Officer Comments**

**A. LAYOUT**

*APPRAISAL:* The layout responds well to the required need to reconnect East Street to the wider city streets network. The current situation (i.e. the current East Street Shopping Centre sitting across the eastern end of East Street creating what is in essence a cul-de-sac) is unacceptable to the city council. This proposal addresses this directly by creating a new 'walk' alongside the northern edge of the new building. The width, scale, alignment and length of this new walk are considered appropriate to the function it is likely to perform (i.e. to be a well-used and strategically important pedestrian link connecting neighbourhoods on the eastern side of the city centre with the main retail areas including the High Street). It is assumed details of the surfaces, lighting and materials will be controlled through planning conditions to ensure the appropriate level of robustness and quality, as will the precise nature of the route (e.g. will it be open to cycles as well as pedestrians?)

As regards the arrangement of the various elements of the building, I support the way in which the internal layout supports the appropriate external environment. For example, the most active edge of the building is aligned with the new 'walk' that reconnects East Street with the wider city street network. Given this is expected to be busy with pedestrian movement it is right to animate this edge to ensure feelings of safety and security. The other three edges of the 'big box' are essentially blank in that they comprise servicing and back of house uses. It is right that these edges have been aligned with either party walls (in the case of the western elevation) or streets with much lower pedestrian flows than that to be found on East Street (e.g. Evans Street and Lime Street). The layout and alignment also allows for revealed views of the St Marys Church Spire for those walking eastwards.

The internal arrangement of check-out points and main access seeks to enhance a quality urban environment on the outside of the building and this is supported. The location of the service bays and the car park access ramps (i.e. towards Evans Street) is also deemed appropriate as this keeps main vehicle movements towards the larger roads within the immediate network.

*RECOMMENDATION:* Approval subject to access conditions.

**B. SCALE**

*APPRAISAL:* The building is considered to be of a scale appropriate to its setting and immediate neighbours. The relatively low-rise form reflects the nature of the food store (i.e. a large floor plate as preferred by retailers) but also does not dominate unnecessarily the view eastwards along East Street towards the building. The length of the northern edge of the building (the edge that fronts the new pedestrian walk) is also considered acceptable in that it is not overly long (at approx. 60m) as to deter pedestrian amenity.

*RECOMMENDATION:* Approval for the scale.

**C. ACCESS**

*APPRAISAL:* The location of the service bays and the car park access ramps (i.e. towards Evans Street) is also deemed appropriate as this keeps main vehicle movements towards the larger roads within the immediate network. The arrangement that has aligned the most 'active' edge of the building alongside the new pedestrian link is also deemed appropriate

and is supported. The front door to the food store is located 'on axis' with East Street enhancing legibility and understanding of the building. The pedestrian link along Lime Street is also supported. As with the new pedestrian walk alongside the northern edge of the building, it is assumed that details of the surfaces, lighting and materials for the Lime Street link will be controlled through planning conditions to ensure the appropriate level of robustness and quality, as will the precise nature of the route (e.g. will it be open to cycles as well as pedestrians?)

That the building will have two access points (e.g. a main entrance on the north western corner and also an entrance via the café on the north eastern corner) is welcomed. This can allow the café to animate and support a more active street life even if the main store is not open (e.g. early Sunday mornings, evenings etc). Even if this 'dual-trading' option is not pursued for commercial reasons, it is considered important that the physical design of the building has the flexibility to allow for this at a later date.

*RECOMMENDATION:* Approval subject to access conditions.

#### **D. APPEARANCE**

*APPRAISAL:* The proposed design for the building is modest in its use of materials and finishes. The building clearly 'reads' as a food store and in this respect the use of a limited range of materials and finishes is generally supported. That said, the eastern elevation onto Evans Street (which accommodates the service access) appears cluttered and confused in its use of materials and designs. It would seem that the approach to this edge is intended to add interest to what would otherwise be a relatively blank elevation. However, the resultant design begins to look overly complicated. The use of different materials and projections to 'disguise' the car parking ventilation areas is considered unnecessary. A revision to this particular elevation with a view to simplification is therefore recommended.

The café on the northern eastern corner of the building is a welcome addition. The use of glazing and the 'wrap-around' nature of the curved corner could be strengthened here to add interest and quality to the eastern elevation. At present, the corner café is primarily focussed onto the new pedestrian walk on the northern edge of the building. Bringing the café elevation around the corner more, through greater use of glazing on the ground floor, would be welcomed. The southern elevation alongside Lime Street is treated by use of a 'green wall' and this is considered below.

*RECOMMENDATION:* Approval for appearance, subject to revisions to the eastern elevation.

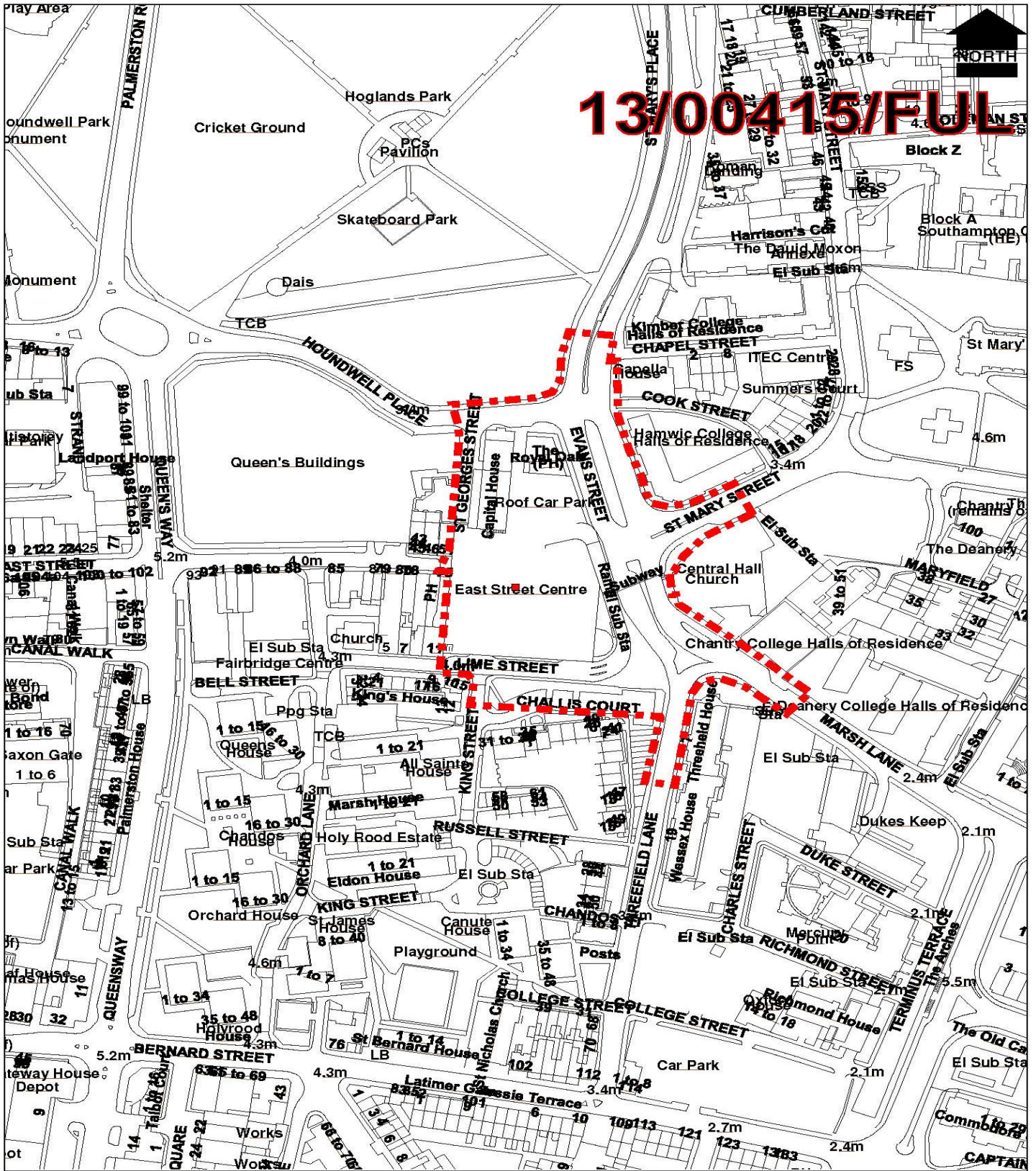
#### **E. LANDSCAPE**

*APPRAISAL:* The use of the green wall alongside Lime Street and opposite Challis Court is the most striking feature of the proposal and this is supported. As explained earlier, the food store essentially has only one active edge and this has rightly been aligned with the new pedestrian walk. This leaves only a blank edge to be aligned opposite Challis Court. The applicant has sought to offset the negative impact of this through use of a green wall and this is supported. It is recommended that the involvement of Challis Court residents in the design and implementation of this green wall is encouraged to enhance the sense of ownership and stewardship. As with the new pedestrian links, it is assumed that details of the green wall will be controlled through planning conditions to ensure the appropriate level of maintenance and ownership (e.g. the precise type of green wall technology to be used).

Other aspects of the landscape design are supported although one minor area of concern

is with the proposed landscape treatment to Evans Street. The innovative 'in-out' service arrangement for service vehicles requires hard surfaces to cross the landscape strip in a shallow diagonal route. It is encouraged that this infrastructure is 'disguised' through the use of landscape treatments that enhance the pedestrian priority of those walking along the footway on Evans Street. For example, the application of paving materials that plays down the visual dominance of the diagonal routes. The drawings as submitted suggest a use of materials that reinforces the service routes, rather than the Evans Street footway, and this should be reversed.

*RECOMMENDATION:* Approval subject to landscape conditions.



Scale : 1:2500

Date 07 November 2012

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# Agenda Item 13

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 23 April 2013  
Planning Application Report of the Planning and Development Manager**

|  |                                     |                             |  |
|--|-------------------------------------|-----------------------------|--|
| <b>Application address:</b><br>20-24 Orchard Place SO14 3BT  |                                     |                             |  |
| <b>Proposed development:</b><br>Renewal of planning permission 10/00242/FUL for continued use of land for parking 24 cars for a further 3 years. |                                     |                             |  |
| <b>Application number</b>  | 13/00161/FUL                        | <b>Application type</b>     | FUL                                    |
| <b>Case officer</b>  | Jo Moore                            | <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<br>Cllr Noon<br>Cllr Tucker |

|                                    |  |
|------------------------------------|--|
| <b>Applicant:</b> Mr Howard Barker | <b>Agent:</b> Bryan Jezeph Consultancy |
|------------------------------------|--|

|                               |  |
|-------------------------------|--|
| <b>Recommendation Summary</b> | <b>Conditionally approve for a temporary period expiring 30/04/2016.</b> |
|-------------------------------|--|

### **Reason for granting Temporary Permission until 30th April 2016**

The proposed use of the land as a car park is a departure from the Development Plan, notwithstanding this the proposal constitutes a temporary use with no associated operational development and as such would not prejudice the future use of the site for its designated purpose for light industrial use. Furthermore there has been no objection to the proposal from members of the public or from our consultees, there is no history of crime on the site and there are no overriding policy reasons to prevent support for the scheme. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus temporary planning permission should be granted until 30th April 2016.

|                          |                           |  |  |
|--------------------------|---------------------------|--|--|
| <b>Appendix attached</b> |                           |  |  |
| 1.                       | Development Plan Policies |  |  |

### **Recommendation in Full**

#### **Conditionally approve for a temporary period expiring 30 April 2016**

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

- 1.1 The application site is located in an area of mixed use, adjacent to, but just outside the Oxford Street Conservation Area. The site forms part of Brunswick Square which contains predominantly light industrial use and is designated for such purposes with a social club adjoining the northern boundary. Opposite the block is a five storey block of residential properties.
- 1.2 The site has been entirely finished by hardstanding with a low wall around the outside to separate the car parking facility with the public highway and pedestrian

footpath. Lighting to the car park is provided predominantly by three street lights located on three of the corners of the site. The lighting columns overhang the public realm.

1.3 There is a ticket machine on site and a number of notices displaying parking charges.

1.4 The proposed development seeks to retain parking on site for a further 3 years with no alterations to the existing circumstances.

## **2.0 Proposal**

2.1 The proposal seeks the renewal of planning permission 10/00242/FUL for the continued use of land for parking for a further 3 years.

## **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.

## **4.0 Relevant Planning History**

4.1 Temporary planning permission was granted at appeal on 11<sup>th</sup> March 2008 for the use of the site as a temporary car park ref: 06/01681/TEMP, a limiting condition of a maximum of two years was added to the permission. Planning permission was subsequently granted to renew this temporary consent for continued use of land for parking 24 cars for a further 3 years (Until 31.03.2013) ref: 10/00242/FUL.

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

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 (01/03/13) and erecting a site notice (28/02/13). At the time of writing the report no representations have been received from surrounding residents.

5.2 **SCC Planning Policy** - Raise no objections to the proposal.

5.3 **SCC Environmental Health (Pollution & Safety)** - Raise no objections to the proposal.

## **6.0 Planning Consideration Key Issues**

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



are:

- The Principle of Development
- Impact on Highway Safety
- Safety and Security
- Impact on Visual Amenity

## 6.2 Principle of Development

The proposal site is located within an area designated for light industrial, Class B1 (b) and B1 (c) Use. The proposed use of the site as a temporary car park does not constitute a light industrial use however at present the site has not come forward for such development. The use of the site as a temporary car park involves no operational development and the existing hardstanding is already established. Given these reasons it is not considered that the proposal would prejudice the site coming forward for light industrial development in the future and as such the proposal would not be contrary to the long term objectives of policy RE11 (v) of the Southampton Local Plan Review 2006 or policies CS1 and CS7 of the Core Strategy (2010).

## 6.3 Impact on Highway Safety

- 6.3.1 The car park use on the site is existing and as such there will be no net increase in the number of parking spaces in the City, the development therefore does not contribute to, or create any, additional competition to City Council owed car parking facilities.

## 6.4 Safety and Security

- 6.4.1 The site is sufficiently overlooked by residential properties located to the east and street lighting adequately provides illumination of the site. It has been determined through the previous planning permissions that the proposal does not result in any adverse safety and security implications for its users.

## 6.5 Impact on Visual Amenity

No operational development is proposed as part of the application and as such the proposal has no impact on visual amenity.

## 7.0 Summary

The use of the land as a car park constitutes a departure from the Development Plan however the proposal is a temporary use with no associated operational development which would not prejudice the future use of the site for its designated use for light industrial purposes. Furthermore there has been no objection to the proposal from either members of the public or from our consultees, there is no history of crime on the site and there are no overriding policy reasons to prevent support for the scheme.

## 8.0 Conclusion

It is recommended that temporary planning permission is granted until 30th April 2016.

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

1 (a) - (c), 2 (b) (d), 3 (a), 6 (c)

**JM for 23/04/13 PROW Panel**

**PLANNING CONDITIONS**

**1. The use hereby permitted shall be discontinued on or before 30th April 2016.**

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 use for the site.

**POLICY CONTEXT**

Core Strategy - (January 2010)

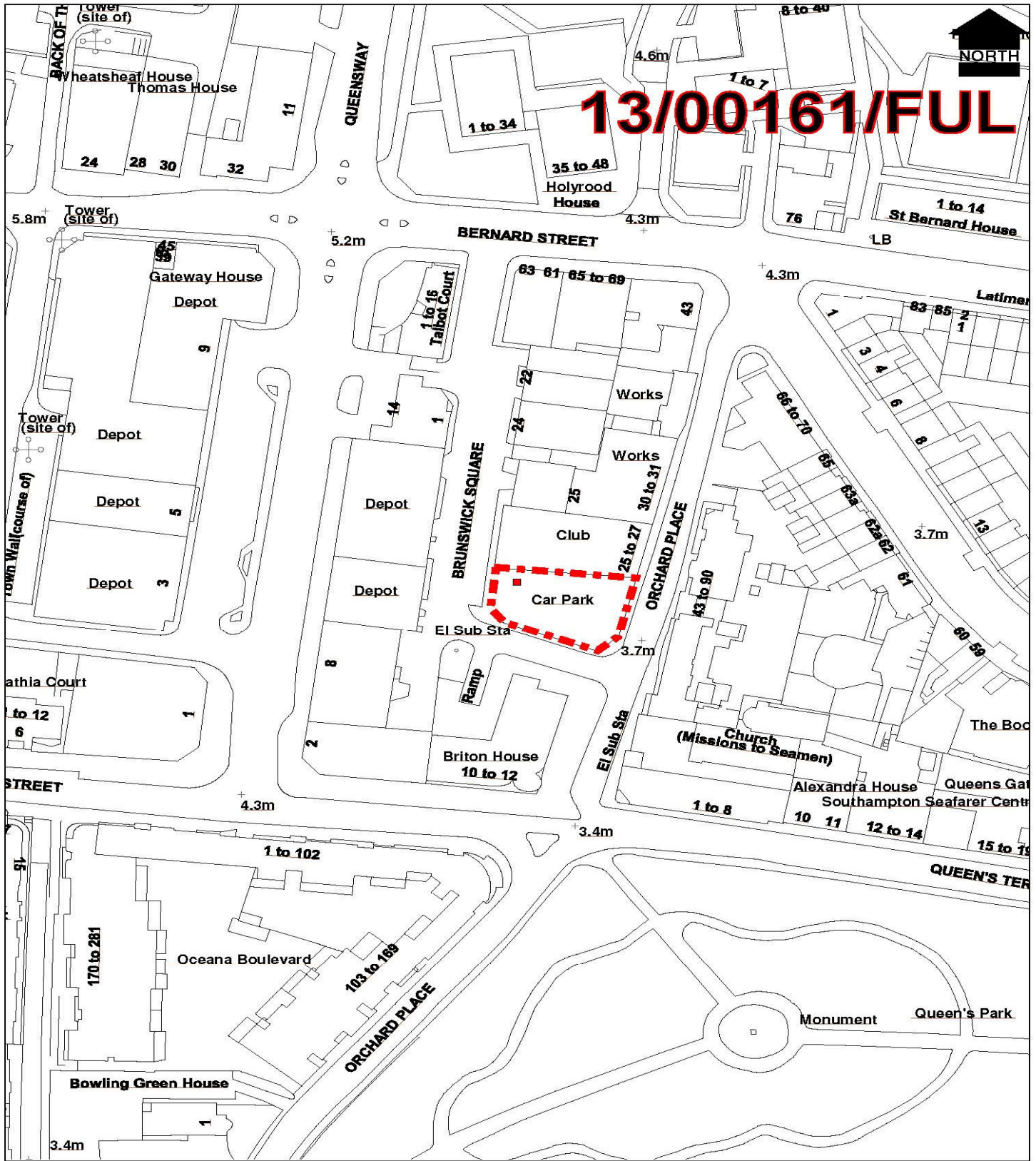
CS1            City Centre Approach  
CS7            Safeguarding Employment Sites

City of Southampton Local Plan Review – (March 2006)

REI11        Light Industry

Other Relevant Guidance

The National Planning Policy Framework 2012



Scale : 1:1250

Date : 10 April 2013

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