

Planning and Rights of Way Panel (WEST)

Tuesday, 24th February,
2015

at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Lewzey (Chair)
Councillor Lloyd (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mintoff

Contacts

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Planning and Development Manager
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PUBLIC INFORMATION

Role of the Planning and Rights of Way Panel

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 on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton City Council's Priorities

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave 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 2014/15

Planning and Rights of Way - EAST	
2014	2015
8 July 2014	13 January 2015
5 August	10 February
2 September	10 March
30 September	7 April
28 October	5 May
25 November	

Planning and Rights of Way - WEST	
2014	2015
24 June 2014	27 January 2015
22 July	24 February
19 August	24 March
16 September	21 April
Wednesday 15 October	
11 November	
9 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY 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 an, '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.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 4)

To approve and sign as a correct record the Minutes of the meeting held on 27 January 2015 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 28A BEDFORD PLACE, SO15 2DB 15/00047/FUL (Pages 9 - 22)

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.

6 43 MARSHALL SQUARE, SO15 2PB 14/01817/FUL (Pages 23 - 34)

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.

7 27 KING EDWARD AVENUE, SO16 4DN 14/01531/FUL (Pages 35 - 50)

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.

8 **TANNERS BROOK PRIMARY SCHOOL, ELMES DRIVE SO15 4PF**
14/02000/R3CFL (Pages 51 - 68)

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, 16 February 2015

HEAD OF LEGAL AND DEMOCRATIC SERVICES

PLANNING AND RIGHTS OF WAY PANEL (WEST)
MINUTES OF THE MEETING HELD ON 27 JANUARY 2015

Present: Councillors Lewzey (Chair), Claisse, L Harris, Mintoff and Tucker

Apologies: Councillor Lloyd

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

It was noted that following receipt of the temporary resignation of Councillor Lloyd from the Panel, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillor Tucker to replace her for the purposes of this meeting.

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

RESOLVED that the Minutes of the Meeting held on 9 December 2014 be approved and signed as a correct record.

34. **THE SOUTHAMPTON (3 FIELD CLOSE) TREE PRESERVATION ORDER 2014**

The Panel considered the report of the Head of Regulatory and City Services regarding an objection to The Southampton (3 Field Close) Tree Preservation Order 2014 which protects one silver birch tree at the bottom of the rear garden of 3 Field Close.

Mr Kehoe (applicant) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that The Southampton (3 Field Close) Tree Preservation Order 2014 be confirmed without modifications.

RECORDED VOTE:

FOR: Councillors Lewzey, Claisse, Harris and Tucker

AGAINST: Councillor Mintoff

35. **THE SOUTHAMPTON (64 BASSETT GREEN ROAD) TREE PRESERVATION ORDER 2014**

The Panel considered the report of the Head of Regulatory and City Services regarding an objection to The Southampton (64 Bassett Green Road) Tree Preservation Order 2014 which protects one silver birch tree at the bottom of the rear garden of 3 Field Close.

Mr Kehoe (applicant) was present and with the consent of the Chair, addressed the meeting.

RESOLVED that The Southampton (64 Bassett Green Road) Tree Preservation Order 2014 be confirmed without modifications.

RECORDED VOTE:

FOR: Councillors Lewzey, Claisse, Harris and Tucker

AGAINST: Councillor Mintoff

36. **LAND ADJACENT TO GARDEN COTTAGE, BASSETT WOOD DRIVE SO16 3PT 14/01688/FUL**

The Panel considered the report of the Planning and Development Manager recommending that the Panel approve the officer recommendation for refusal to the Planning Inspectorate in respect of an application for a proposed development at the above address.

Erection of a four bedroom detached dwelling to the rear of the property.

Mr Wiles (Agent), Mr Darlington (North East Bassett Residents Association/objecting) and Ms Withers (local resident/objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel recommended to officers that three suggested conditions be included as part of the Appeal.

RESOLVED to recommend refusal to the Planning Inspectorate for the reasons set out below and to recommend to the Planning Officer to add three suggested conditions to the Appeal, as set out below.

Reasons for Refusal

Highway safety

The introduction of a four bed dwelling, extra hardstanding and parking, would lead to an intensified use of the existing access onto Bassett Wood Drive and the track road leading to the application site. The access track road is currently unmade, narrow, poorly lit and, due to the lack of passing points for vehicles, would lead to conflicts resulting from vehicles having to reverse in order to pass each other. The insufficient sightlines around the bends due to the narrowness of the track, the poor lighting conditions and overgrown greenery exacerbates the unsuitability of the track. In addition, there is no formal separation between vehicular and foot/cycle traffic leading to further issues of highway safety. As a result the proposal results in a unsafe development in highway safety terms due to the poor access and therefore the development is considered contrary to saved policies SDP1(i), SDP4, SDP11 and TI2 of the City of Southampton Local Plan Review and Core Strategy policies CS18 and CS19 as supported by Section 5 of the Council's approved Residential Design Guide SPD (2006).

Section 106 Agreement to secure planning obligations

In the absence of a completed Section 106 legal agreement to support the development the application scheme fails to mitigate against its wider direct impacts in the following areas:

- a) Failure to secure an appropriate scheme for private refuse collection to prevent issues of highway safety in line with policy SDP1(i) of the adopted LDF Core Strategy (2010) and CS13 and CS25 of the adopted LDF Core Strategy (2010) and section 9 of the Residential Design guide (2006).

- b) Financial contribution towards the Solent Disturbance Mitigation Project (SDMP) or alternative provision to reduce impacts upon the Solent Special Protection Areas in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).

Additional Suggested Conditions

Protection of the sewerage system

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.

Sensitive lighting scheme

APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must be designed to prevent harm in terms of light spillage to adjacent Site of Important Nature Conservation (SINC). The installation must be maintained in accordance with the agreed written scheme.

Reason

To protect the inhabitants of the adjacent Site of Important Nature Conservation (SINC).

Porous surface Treatment

APPROVAL CONDITION – Porous surface treatment [Pre-Commencement Condition]

Prior to commencement of the development hereby approved details of the proposed porous surface treatment of the proposed passing bay and visitor parking area shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented and remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the character of the area and to prevent surface run off.

37. **117 PRINCE OF WALES AVENUE SO15 4LS 14/01590/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.

Erection of a 2 storey side extension to create a 1 x bed annex following demolition of existing garage.

RESOLVED that Planning Permission be granted subject to the conditions listed in the report, and the additional condition set out below.

Additional Condition

05: Approval Condition – Pedestrian Access – Performance Condition

No other pedestrian access to the site shall be formed other than that from Prince of Wales Avenue as shown on drawing no 10146-PL2-02.

Reason

To ensure that the boundary fence and hedge shown on the approved plan remain in the interests of visual amenity and security, to avoid pedestrians having to use the narrow, unlit, unmade rear access track which would conflict with highway safety and to retain the use of the site a single planning unit.

38. **106 WATERLOO ROAD, SO15 3BT 14/01694/MMA**

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.

Minor material amendment sought to planning permission ref 12/00457/Ful for alterations to roof of rear single storey extension.

Mr Ahmed (local resident/objecting) and Councillor Moulton (Ward Councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

RESOLVED that Planning Permission be granted subject to the conditions listed in the report, and the amended condition set out below.

Amended Condition

02 Approval Condition – External finish to rear extension – performance condition

Details of the final external finish to the rear extension shall be agreed with the Local Planning Authority within 2 months of the date of this permission (by 30 March 2015). The external finish shall be undertaken in accordance with the approved details as part of the requirement under Condition 1 of this consent to complete the works within 6 months of the date of this permission (by 30 July 2015).

Reason

In the interests of the visual amenities of the site and the adjacent occupiers.

Agenda Annex

Planning and Rights of Way Panel (WEST)

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 24 February 2015 - 6pm

Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	CAP	5	15/00047/FUL 28A Bedford Place, SO15 2DB
6	LG/SH	CAP	5	14/01817/FUL 43 Marshall Square, SO15 2PB
7	LG/SH	CAP	5	14/01531/FUL 27 King Edward Avenue, SO16 4DN
8	LG/SH	CAP	5	14/02000/R3CFL Tanners Brook Primary School, Elmes Drive, SO15 4PF

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

AL - Anna Lee
LG – Laura Grimason
SH – Stephen Harrison

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) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (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) Environmental Impact Assessment 2/99
 - (c) Planning Controls over Demolition 10/95
 - (d) Planning and Affordable Housing 6/98
 - (e) Prevention of Dereliction through the Planning System 2/98
 - (f) Air Quality and Land Use Planning 10/97
 - (g) Town and Country Planning General Regulations 19/92
7. Government Policy Planning Advice
- (a) National Planning Policy Framework (27.3.2012)
 - (b) National Planning Policy Guidance Suite
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 2013)
9. Other Statutes
- a) Crime and Disorder Act 1998
 - b) Human Rights Act 1998

Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 24 February 2015
Planning Application Report of the Planning and Development Manager**

Application address: 28A Bedford Place, Southampton SO15 2DB			
Proposed development: Application for variation of Conditions 9 (roof terrace hours) and 10 (no sound amplifying equipment) of planning permission 03/00219/FUL to extend hours of use of roof terrace until 23.00 seven days a week and to allow music on roof terrace until 22.00 seven days a week.			
Application number	15/00047/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	5 minutes
Last date for determination:	10.03.2015	Ward	Bevois
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Burke Cllr Rayment Cllr Barnes-Andrews

Applicant: The New Inventive Bar Company	Agent: Firstplan - Fao Mr Mark Shearman
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered including the impact of noise and disturbance on the surrounding area 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 Local Authority is also satisfied that the character of the area would be preserved. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with saved policies SDP1, SDP16, CLT14 and REI7 of the Local Plan (2006), Policy AP8 of the City Centre Action Plan (Draft January 2015 Emerging), Carlton Crescent Conservation Area Conservation Area Appraisal and Management Plan (2013) and the National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies	2	Relevant planning history
3	15/00047/FUL Management Plan		

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site contains a part two and part three storey building located on the corner of Bedford Place and Carlton Place. The building is currently used as a bar (Use Class A4) with an associated roof terrace. The site is located within the Carlton Crescent Conservation Area. The site is identified as part of a designated Late Night Zone in the Local Plan, and within the emerging City Centre Action Plan where opening hours of up to Midnight are, in principle, acceptable providing that no harm on residential amenity will occur.
- 1.2 The area around Bedford Place, Carlton Crescent and London Road does have a number of late night uses. However, the commercial elements are interspersed with residential accommodation and to the west of Bedford Place the area is characterised by predominantly residential areas.

2.0 Proposal

- 2.1 The proposal seeks to vary conditions set out within planning permission 03/00219/FUL where the hours of use of the roof terrace were restricted to 22.00 (10.00pm) under condition 9. The use of sound amplifying equipment on the roof terrace was also prohibited at any time (as set out in condition 10).
- 2.2 The proposed hours of use sought for the roof terrace as part of this application are till 23.00 (11.00pm) (i.e. an increase of 1 hour). Permission is also sought to remove condition 10 and allow background music only until 22.00 (10.00pm).
- 2.3 The proposal partly seeks to regularise the situation on site as currently the roof terrace is being used until midnight and has been for a number of years. There have been no complaints received during this time to the additional hours. During pre-application discussions the applicant sought officer's opinion on a terminal hour of midnight. Officers felt midnight for an external roof terrace in this location was not reasonable. Although, currently (unlawfully) open until midnight officers advised the applicants to seek a terminal hour of 23.00 (11.00pm). A refusal of a similar request in 2005 for a midnight close was refused (LPA ref: 05/01266/VC refers) and is a material consideration in this case.

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 27th 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 03/00219/FUL Conditionally Approved 10.09.2003

Erection of a three storey rear extension, elevational alterations to include the enclosure of the existing sun terrace.

05/01266/VC Refused 12.10.2005

Relief from Condition 9 of planning permission 03/00219/FUL dated 10.09.03 (hours of use).

Refusal Reason:

The proposed extension of opening hours of the roof terrace (until midnight) would give rise to late night and early morning noise and disturbance by reason of the movement of patrons through adjoining residential neighbourhoods to the detriment of the residential amenities of those people living in the surrounding area. The proposed variation of condition is thereby considered to be contrary to the provisions of the City of Southampton Local Plan Policy GP1 (v) and S10 (b) and contrary to the City of Southampton Local Plan Review proposed modifications to the Revised Deposit Version (June 2005) Policy CLT 14 (ii) (E).

07/00839/FUL Conditionally Approved 10.08.2007

Addition of a roof extension and canopy to existing roof top bar.

08/01331/ADV Conditionally Approved. 05.11.2008

Relocation and continued display of 1 x internally illuminated projecting sign at first floor level on Bedford Place frontage.

09/00618/FUL Withdrawn 13.08.2009

Implementation of planning permission 03/00219/FUL not in accordance with condition 9 (roof terrace hours of use). Variation sought to extend the hours of use of the roof terrace from 22:00 hours (10pm) to 23:30 Hours (11.30 pm daily).

- 4.2 A number of planning appeals have been dismissed within the vicinity of this application site for hours later than Midnight. **Appendix 2** summarises the latest relevant decisions.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (30.01.2015) and erecting a site notice (30.01.2015). At the time of writing the report **6** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Noise and disturbance

Response

The site is located adjacent to existing residential development where care should be taken to ensure that harm to residential amenity does not occur from an intensified use of this roof terrace. The closest adjacent window serves an existing open plan living room/dining kitchen. Every application does have an

impact on the neighbouring properties to some degree but no objection has been raised from Environmental Health Officers on these amenity grounds and this nearest neighbour has been notified of the application and no objection has been received. The management company for this residential development have objected on noise and disturbance grounds. In response the application site has an established (historic) A3 use with unrestricted hours (in planning terms) in a city centre location. The site is licensed until 3:30am (everyday) within an identified late night zone where venues are open to similar hours. The hours proposed for the roof terrace would still be restricted so that music stops at 10pm and the terrace is cleared by 11pm.

5.3 **Shortage of parking**

Response

The site is within the city centre and the extension of hours of the roof terrace is unlikely to impact on parking in the area as the roof terrace has been open till midnight for some time. Officers are not aware of any complaints being received on these grounds and it is likely that patrons would be visiting the premises for its late night drinking regardless as to whether or not the roof terrace was open. Furthermore, it is likely that the majority of patrons would arrive on foot without the need for additional car parking

Consultation Responses

- 5.4 **SCC Environmental Health (Pollution & Safety)** No objection subject to restrictions on the actual noise levels of sound amplifying equipment. No objection is raised about the terminal hour of 23:00 for use of the roof terrace, but officers remain concerned about the use of sound amplifying equipment on the roof terrace as any sound cannot be attenuated and must therefore be controlled at source. Agreement has previously been made to secure a sound level that would be unlikely to cause a statutory noise nuisance. No dB level was given, as is normal practice, as it is the tone and style of the music, along with the number and orientation of the speakers that are more likely to be the cause of complaints. Previously, it was agreed that a password lock was added to the sound system and that there were only one or two people who had the password, so to minimise any unwarranted changing of sound levels. In addition the system also had a limiter that would cut off the sound if it exceeded the agreed level. No formal setting or level was written down as this could alter if the sound system was changed. It was made clear that the levels were suitable at the time they were assessed, but they may need to be altered if there were substantiated noise nuisance complaints.
- 5.5 In summary, a condition either retaining the same level set previously or for Environmental Health to revisit to reassess the levels and reset are the options available.
- 5.6 **SCC Historic Environment** – No objection raised.
- 5.7 **City of Southampton Society** - The Revolution Bar is situated in a 'late night zone'. There are flats immediately adjacent (over the branch of Sainsbury's) and residential side streets close by. Presumably local residents will be aware of the effect of the extended hours because they have already been in operation for some time. This is such a local issue that we find it difficult to make a decision given the current state of affairs, therefore CoSS abstain.

6.0 Planning Consideration Key Issues

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

- Principle of development
- Noise and Disturbance
- Residential amenity

6.2 Principle of Development

The Local Planning Authority has taken a consistent approach in restricting the hours of use of new late night venues and applications for variation on hours of existing venues within this area. Some relevant examples are listed in **Appendix 2** of this report.

6.2.1 The terminal hour of 11pm for the roof terrace is in line with saved policy CLT14 of the Local Plan and AP8 of the emerging City Centre Action Plan. Although it is a night time area there are residential properties within the vicinity and therefore the impact on residential amenity is key to the determination of this case. The existing premises provide late night drinking and music over two floors with a license until 3:30am. The roof terrace provides an additional floor and has recently been operated later than the 10pm consented. No recent complaints have been received and Environmental Health are content to allow the additional hours with amplified music provided a noise level is agreed with the venue.

6.3 Noise and Disturbance

Saved Local Plan Policy SDP16 explains that noise generating development will not be permitted if it would cause an unacceptable level of noise impact.

Complaints have been received by the Environmental Health (EH) team relating to noise and general disturbance, but not recently in respect of this roof terrace.

6.3.1 The roof terrace has been recently used until midnight for a number of years – particularly in warmer weather - and this proposal seeks to restrict the use to 11pm only. A management plan has been submitted as part of this application and is attached to this report at **Appendix 3**. It sets out how the roof terrace is going to be managed in the future. A suggested condition seeks to secure the use of the roof terrace in line with this document.

6.3.2 EH have requested that a noise level is set to prevent a detrimental impact on adjoining neighbouring properties. Although, a level has been agreed previously it was never agreed formally. The applicants are happy to work with the EH team to set this level and a condition is suggested in order for this to be undertaken.

6.3.3 With the imposition of the conditions the proposal is considered to address concerns raised by neighbouring properties.

6.4 Residential amenity

The site is located on a corner of two main roads which both lie within the defined late night area. Whilst there are residential properties within the area there are also commercial properties with existing late night licenses. The proposal will have an impact on neighbouring properties, but as the roof terrace has been used to midnight for the last few years (and no recent complaints regarding these extended hours have been received) the proposal is unlikely to be detrimental.

The introduction of background music on the roof terrace is a new issue, but with the proposed condition restricting the hours and acoustic level of music played it is considered that the resulting noise level should be acceptable and not harmful. Furthermore, the premises can open until 3:30am regardless of the success of this application and the amenity issues associated with the terrace are less significant than the existing established use.

7.0 Summary

7.1 Overall the scheme is acceptable and the use of the roof terrace till 23.00 and the introduction of sound amplifying equipment to 22.00 will not result in an adverse impact on the amenities enjoyed by surrounding residents, the nearby commercial activity or to the character and appearance of the area.

8.0 Conclusion

8.1 The proposals are consistent with adopted local planning policies and therefore the application is recommended for approval subject to appropriate 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(qq), 6(c), 7(a), 9(a), 9(b).

ARL for 24/02/2015 PROW Panel

PLANNING CONDITIONS

01. 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.

02. APPROVAL CONDITION - Hours of use of roof terrace [Performance Condition]

Unless the Local Planning Authority agree otherwise in writing the roof terrace area to which this consent relates, shall not be open for use by patrons between the hours of 2300 (11.00pm) to 0800 (08:00am) seven days a week. When in use, the roof terrace shall be operated in accordance with the submitted Management Plan dated November 2014.

Reason:

To protect the amenities of the surrounding area.

03. APPROVAL CONDITION - Noise level restriction [Performance Condition]

Within three months of the date of the decision details of a fixed maximum noise level for the playing of background music to be measured on the roof terrace, shall be agreed in writing by the Local Planning Authority. The agreed level shall be used and maintained in perpetuity unless agreed in writing by the Local Planning Authority.

Reason:

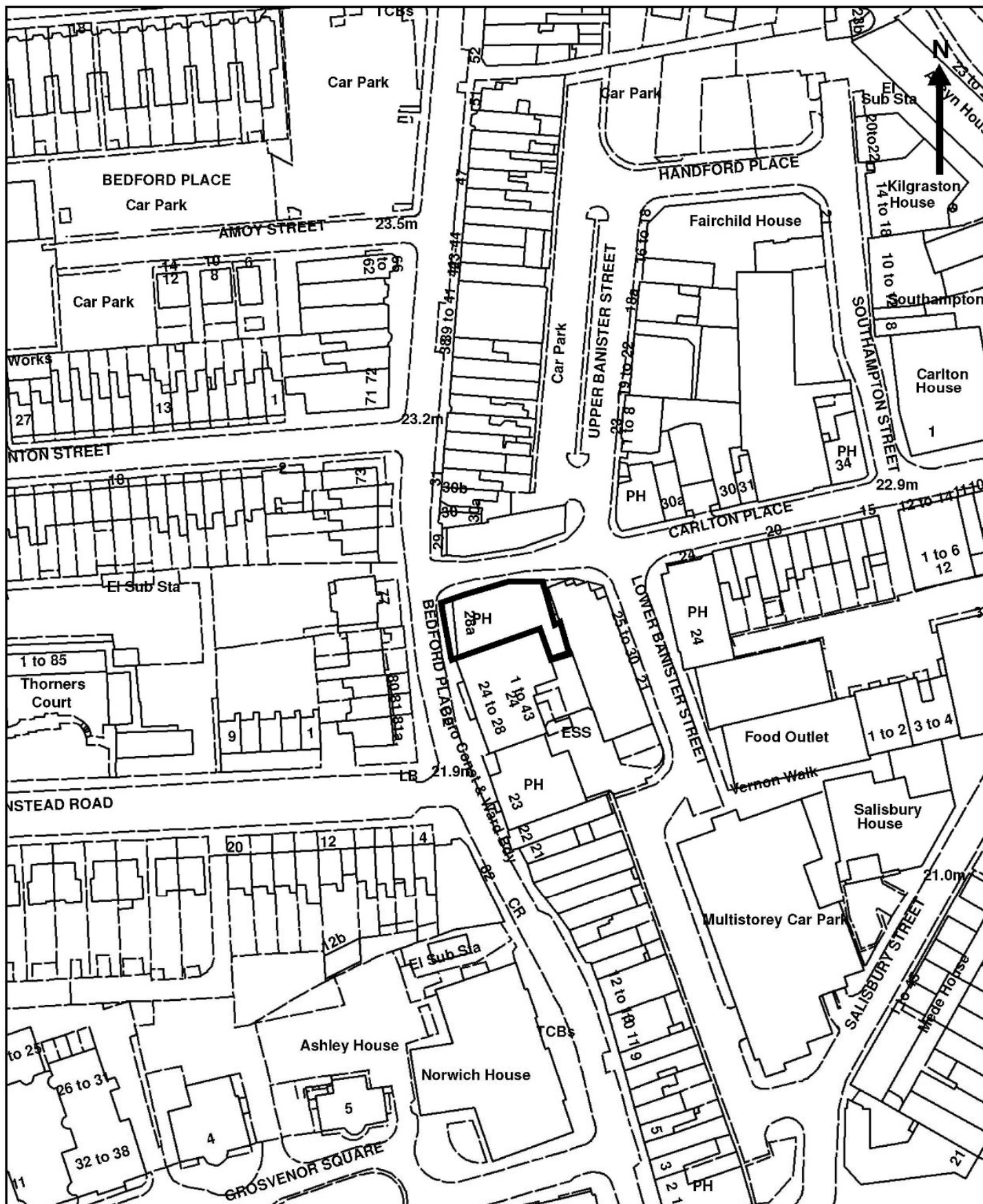
To protect the amenities of the surrounding area.

04. APPROVAL CONDITION - Restriction on hours of music [Performance Condition]

No music or other sound amplifying equipment shall be permitted on the roof terrace other than background music. Background music shall only be allowed between 8.00am and 22.00 (10pm) unless otherwise agreed in writing by the Local Planning Authority. At no time shall the area be used for live performances without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the surrounding area.



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Application 15/00047/FUL

POLICY CONTEXT

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP16	Noise
CLT14	City Centre Night Time Zones and Hubs
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Area Action Plan - Draft January 2015 (Emerging)

AP8	The Night Time Economy
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Other Relevant Guidance

The National Planning Policy Framework (2012)

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Application 15/00047/FUL

Relevant Planning History

The following list of premises is provided to indicate that the Council has established a late night drinking cut off of midnight for the Carlton Place area. This policy affects new late night uses and applicants wishing to extend existing restricted premises. The midnight close is supported by the Planning Inspectorate. In this case the premises have an historic permission meaning that the hours were unrestricted in planning terms. Instead, Licencing have imposed a 3:30am close meaning that the premises already open later than many of its neighbours and the proposed hours for the terrace.

Level One, Carlton House, Carlton Place (SCC Ref 08/01775/FUL)

Variation of condition 2 of Planning Consent 07/01319/FUL to allow extended opening hours for the ground floor bar on Friday and Saturday from 8am - 2 am (the following day)

Refused on 16.2.14

Appeal dismissed on 11 December 2009.

65-75 London Road (SCC Ref 04/00264/VC)

Extension to hours of opening of public house beyond 11.30pm Monday to Saturdays and 11pm on Sundays (variation of condition 10 of permission 99/00625/FUL)

Refused on 5.4.04

Appeal dismissed on 17.12.04

16/17 Carlton Place (SCC Ref 04/00230/FUL)

Appeal against a condition restricting the venue to the following hours: 1000hrs-2300hrs (Appellants sought a terminal hour of 0030hrs)

Appeal dismissed on 31.1.05

The Greenhouse, 28 Carlton Place, Rear of 29 Bedford Place

Appeal against a condition restricting the venue to a terminal hour of 2330hrs

Appeal dismissed on 25.5.99

2a-3a Bedford Place (SCC Ref 98107/7020/EX)

Appeal against a condition restricting the A3 use to that specified in the description of development

Appeal dismissed on 4.5.99

30 Carlton Place (SCC Ref 08/01472/FUL)

Change of use from A3 (Restaurant) to A4 (Drinking Establishment) on ground floor and

B1(Office) on first floor – A4 hours restricted to terminal hour of 12 midnight.

Approved 08.12.08

Giddy Bridge 10-16 London Road

Ref – 05/01281/VC Removal of Condition 4 of previous planning permission ref.

970361/1752/E to enable the operation of a public house without limitation of opening hours.

Refused on 25.10.05

Ref – 07/00190/VC Variation of Condition 4 of previous planning consent ref: 970361/1752/E to vary opening hours to permit the premises to be open from 07:00 to 00:00 Mondays to Sundays.

Approved 20.04.07

24-28 Bedford Place 04/00286/FUL

Restaurant approved as a part of a mixed use development with a terminal hour of 2330hrs.

Approved on 20.02.06.

28 Carlton Place & 29 Bedford Place 09/00291/FUL

Planning permission refused for variation of condition to allow bar and restaurant to open 08:00 – 02:00

Subsequent appeal dismissed on 9.3.10

22 Bedford Place 13/00440/FUL

Variation of condition 6 of planning permission ref 960034/1957/E to extend opening hours to 11:00am - 04:00am Monday - Sunday and public holidays

Refused by the Council on 11.06.2013.

A subsequent appeal was allowed on the basis that the hours be varied to allow the premises to open until a terminal hour of 23.30pm on all days

Triad House Lower Banister Street 14/00686/FUL

Variation of condition 1 of planning permission 13/01840/FUL to extend the approved opening hours for the first floor bar (A4 use) from 08:30am - 12 midnight (Monday – Sunday) to 08:30am - 02:00am (Monday - Sunday and recognised public holidays)

Subsequent appeal dismissed 31.12.2014



REVOLUTION BAR 28A BEDFORD PLACE, SOUTHAMPTON

ROOF TERRACE MANAGEMENT PLAN - JANUARY 2015

Introduction

This Management Statement has been prepared by the New Inventive Bar Company who operate the Revolution Bar at 28A Bedford Place, Southampton. It is submitted in support of an application for planning permission to extend the hours of use of the outdoor roof terrace on the third floor of the building.

The company operate all of their premises with extreme care and security to ensure that they are sensitive to their surrounding neighbours, and regularly review the management and operation of their bars to maintain this. All bars are managed strictly in accordance with the terms of their premises license.

The following actions set out in this Plan are proposed to specifically ensure that the use of the roof terrace does not cause any harm to neighbouring properties.

- The outdoor terrace is primarily occupied by seating, as shown in the attached photograph, with seating capacity for circa 50 persons. Food is served to customers throughout operational hours of the terrace. This therefore minimises scope for vertical drinking on the terrace and underlines the primary function of the terrace as a relaxing external drinking / eating space for customers. Notwithstanding this, the number of customers on the terrace at any single time will be restricted to 80 people.
- The terrace will continue to be used only during appropriate weather conditions, and is therefore closed for the majority of winter.
- The area is constantly monitored by floor staff and security throughout operational hours. These staff will ensure that noise levels are kept to a minimum and customers are not causing disturbance to the surrounding area. Any customers who are intoxicated will be asked to leave the premises immediately.
- The terrace is covered by CCTV and any incidents are reported to the Police.
- Door staff use clickers to monitor and manage occupancy levels at peak times (e.g. weekends) to ensure capacity restrictions are not exceeded.
- All glassware in use on the terrace is comprised of toughened glass.
- 30 minutes before closure of the terrace, all customers are warned of the impending closure of the terrace and asked to proceed inside to the main bar, or drink up and leave.

Agenda Item 6

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) - 24 February 2015
Planning Application Report of the Planning and Development Manager

Application address: 43 Marshall Square, Southampton SO15 2PB			
Proposed development: Change of use from C3 residential to C4 House in Multiple Occupation (Retrospective)			
Application number	14/01817/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 Minutes
Last date for determination:	15/01/2015	Ward	Freemantle
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr Andrew Saxton	Agent:
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The proposed development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application site is located within a predominantly residential area characterised by a range of dwellinghouses and flats. It would provide an appropriate standard of accommodation for residents. This proposal would contribute to the city's housing need and would have an acceptable impact in terms of residential amenity, impact on the character of the wider area and highways safety. This scheme is therefore, judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should subsequently be granted

Policies - SDP1, SDP7, SDP10, of the City of Southampton Local Plan Review (March 2006); CS4, CS16, and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010); the HMO SPD; and the Parking Standards SPD.

Appendix attached			
1	Development Plan Policies	2	HMO 40m Calculation

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site is a two storey, mid terraced dwellinghouse located to the south of Marshall Square. Residential accommodation is also provided within the roofspace. This property is located within a predominantly residential area.
- 1.2 This property comprises a kitchen / diner and integral garage at ground floor level, a lounge and en-suite bedroom at first floor level and two bedrooms and a bathroom within the roofspace.
- 1.3 This property benefits from the provision of two car parking spaces given the location of an integral garage and a front driveway, each providing sufficient space for one car.

2.0 Proposal

- 2.1 Permission is sought for a change of use from Class C3 (Dwellinghouse) to Class C4 (House In Multiple Occupation). 3 bedrooms are provided. This use has already commenced.

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 27th 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 In 1997, outline approval (ref.970207/W) was granted for the re-development of the wider estate for residential purposes. The application site formed part of this wider permission.
- 4.2 In 2000, reserved matters approval (ref.00/00188/REM) was granted for the proposed redevelopment of the estate to provide 147 residential properties (flats and houses).
- 4.3 In 2000, reserved matters approval (ref.00/00881/REM) was granted for the amendment of the existing consent.

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 landowner and erecting a site notice (12.12.14). At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 The proposed HMO would adversely impact on the residential amenities of neighbouring occupiers by increasing levels of noise and disturbance in the area.

Response: The level of activity associated with the proposed HMO is not considered to be significantly greater than that of a Class C3 dwellinghouse. Conditions are recommended to limit the occupation of this building to 3 people so as to maintain suitable communal living space.

- 5.3 The proposed HMO would exacerbate existing parking pressure in the area and would adversely impact on highways safety. This property faces a children's play area and crossing the road to get to this facility is already dangerous.

Response: 2 parking spaces are provided for 3 residents. The proposal meets the requirements of the HMO SPD in terms of parking provision. Furthermore, the Highways department have raised no objection to the proposed scheme.

- 5.4 The proposed HMO would result in the loss of a family home giving rise to an imbalance in the community to the detriment of the character of the area. Responses indicate that the properties at 88, 44 and 41 already rented out to sharers with 40 and 42 also potentially used in this way.

Response: It is not considered that the character of the area would be significantly affected by this proposal and the threshold tests applied in the Council's HMO SPD have been met.

- 5.5 Poorly managed HMOs can adversely impact on the wider area due to a lack of maintenance and absent landlords.

Response: Agreed, although this does not represent a sustainable reason for refusal in planning terms as, equally, HMOs can be well managed.

Consultation Responses

- 5.6 **SCC Highways** – No objection. There is no clear evidence to show which use class (C3 or C4) generates more vehicular trips and car ownership levels, especially where the development does not generate an increase in the number of bedrooms. The site is situated within a residential cul-de-sac which also has traffic calming measures and officers do not envisage high levels of traffic or speed. Any potential overspill would be an amenity issue and not highway safety. Therefore officers can only recommend a parking survey to be conducted and not require one, in order to allow a better assessment of the current parking pressure demand to see if there is capacity to allow for any potential overspill. No objection subject to a condition requiring cycle parking.

Response: The garage can be retained for parking by condition and the HMO can be restricted to 3 people. The provision of 2 parking spaces for 3 people meets our current parking standards. A parking survey is not deemed necessary in these circumstances and a refusal of planning permission based on overspill parking is not recommended.

- 5.7 **SCC Environmental Health (Pollution & Safety)** - No objection to the proposed change of use. If planning permission is granted the applicant is advised to contact Environmental Health as additional fire precautions will be required.

6.0 Planning Consideration Key Issues

- 6.1 The determining issues that require consideration relate to:
- a) whether the proposed use is acceptable in principle;
 - b) the impact of the proposed use on parking and highways safety; and
 - c) the impact of the proposed use on the amenities of any adjoining occupiers.

6.2 Principle of Development

6.2.1 The application site is located within the Freemantle ward where a 20% HMO threshold applies. As such, if the percentage of HMOs within a 40m radius of the application site exceeds 20% applications for additional HMOs will be refused for resulting in an over-concentration of use.

6.2.2 47 properties were initially identified within a 40m radius of the application site. Upon further investigation, it was found that 21 of these properties were flats. These were subsequently discounted from the count as per the SPD. As a result, 26 properties have been included in the count as they would not (due to being 1 and 2 bedroom flats) physically be able to accommodate the number of people associated with a HMO.

6.2.3 Based upon information held by the City Council's Planning, Council Tax and Environmental Health departments, there is one existing HMO within the relevant area – at 44 Marshall Square. A HMO license was granted for the use of this property as a HMO on the 29/08/2007. This expired on the 29/08/2012. Another license was then granted for the occupation of this property by 6 unrelated people on the 19/03/2013. It appears that this property was in use as a HMO prior to the Article 4 Direction coming into force. The use of the application site as a HMO increases this to 2 HMOs out of 26 or 7.7%. This is significantly below the 20% threshold. As such, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

6.2.4 The Planning Enforcement team have previously investigated a number of properties within the 40m radius. These are;

(a) 40 Marshall Square. This property is under investigation by the Planning Enforcement team. It has found to be occupied by 4 unrelated people. The owner states that it has been occupied in this way since before 23/03/2012 however no evidence has been provided.

(b) 41 Marshall Square. This property is under investigation by the Planning Enforcement team. It has found to be occupied by 4 unrelated people. The owner states that it has been occupied in this way since before 23/03/2012 however no evidence has been provided.

It is noted that as a result, there are 2 more potential HMOs within the 40m radius. For clarity, if these HMOs were included in the count, the total of HMOs within the 40m radius would increase to 4 out of 26 (including the application site) or 15.3%. This is still below the 20% threshold. As such, even if these properties were included within the count, this proposal would not result in an overconcentration of HMOs within the surrounding area and is therefore, considered to be acceptable in

principle, in accordance with saved policy H4 of the City of Southampton Local Plan Review and the Houses in Multiple Occupation SPD.

6.3 Highways Safety and Parking

6.3.1 The HMO SPD outlines maximum car parking standards for HMOs. For a HMO with 3 bedrooms, a maximum requirement of 2 parking spaces applies. The application site benefits from 2 off road parking spaces; one through the provision of an integral garage and one through the provision of a driveway. Furthermore, there are no on road parking restrictions. Having regard to this, it is considered that this proposal meets the requirements of the HMO SPD. Sufficient parking would therefore, be provided for the proposed HMO use. To ensure that adequate parking is retained on site, a suitably worded planning condition will be imposed to ensure that the garage is retained for parking at all times.

6.3.2 In terms of highways safety, the impact of the proposed HMO is not considered to be materially different to that of a Class C3 household.

6.4 Residential Amenity

6.4.1 Saved policy H4 of the City of Southampton Local Plan Review 2010 states that: 'Planning permission will only be granted for conversions to houses in multiple occupation where: (i) it would not be detrimental to the amenities of the residents of adjacent or nearby properties; and (ii) adequate amenity space is provided which (a) provides safe and convenient access from all units; (b) is not overshadowed or overlooked especially from public areas; and (c) enables sitting out, waste storage and clothes drying'.

6.4.2 The use of this property as a HMO is not considered to give rise to a level of activity that would be significantly greater than that associated with a Class C3 dwellinghouse. As such, the use of this property as a HMO is not considered likely to have a significant impact on the residential amenities of nearby residential occupiers.

6.4.3 This property benefits from sufficient, usable rear amenity space for the enjoyment of all residents.

6.5 Cycle Storage

6.5.1 The HMO SPD states that 'a minimum number of cycle parking spaces to serve the HMO residents should be made available prior to the first occupation of the HMO enclosed within a secure cycle store'. The existing garage at this property meets this requirement by providing cycle storage which is easily accessible, secure and weatherproof. Furthermore, there is a shed within the rear garden which could also potentially be used to provide additional cycle storage if required.

Refuse Storage

6.6

6.6.1 Refuse and recycling bins tend to be kept either on the front forecourt or inside the garages. This arrangement will continue at the application site and is considered to be acceptable. As such, sufficient storage for refuse and recyclable materials will continue to be provided.

7.0 Summary

7.1 The use of this property as a HMO is considered to be acceptable and would not be detrimental to residential amenity, the character of the surrounding area or highways safety. The development is considered to be acceptable in terms of other planning considerations.

8.0 Conclusion

8.1 To conclude, this proposal is considered to have an acceptable impact and can therefore, be 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), 2(b), 2(c), 9(a) and 9(b).

LAUGRI for 24/02/15 PROW Panel

PLANNING CONDITIONS

01. 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.

02. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

03. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor room annotated on the submitted floor plans as the kitchen/lounge shall remain as communal space for the occupiers of the dwelling throughout the occupation of the buildings and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use of the site as a whole.

04. APPROVAL CONDITION - Number of occupiers [Performance Condition]

The number of occupiers within the property, in connection with the change of use hereby permitted, shall not exceed 3 persons unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

05. APPROVAL CONDITION - Retention of garage [Performance Condition]

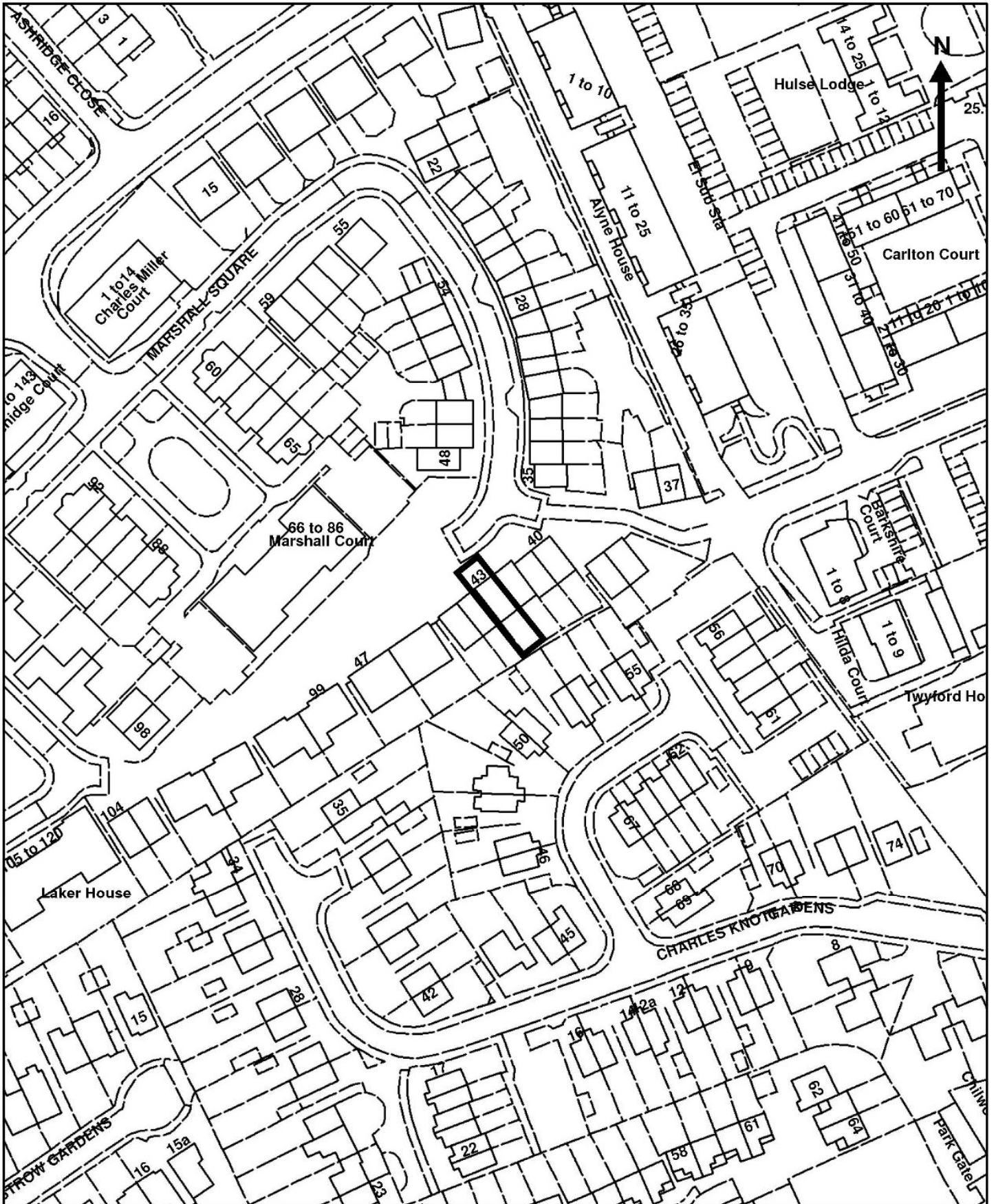
The integral garage shall be retained for car parking purposes at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure sufficient parking is provided to serve the property.

Note to Applicant:

A HMO License will be required to operate the property as a Class C4 HMO. The applicant is advised to contact the HMO licensing team for more information or to see the following link; <http://www.southampton.gov.uk/housing-council-tax/landlords-home-owners/landlords/houses-in-multiple-occupation/licensing-houses-in-multiple-occupation/default.aspx>



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Application 14/01817/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP10	Safety & Security
H4	Houses in Multiple Occupation
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Parking Standards SPD (September 2011)

Houses in Multiple Occupation SPD (March 2012)

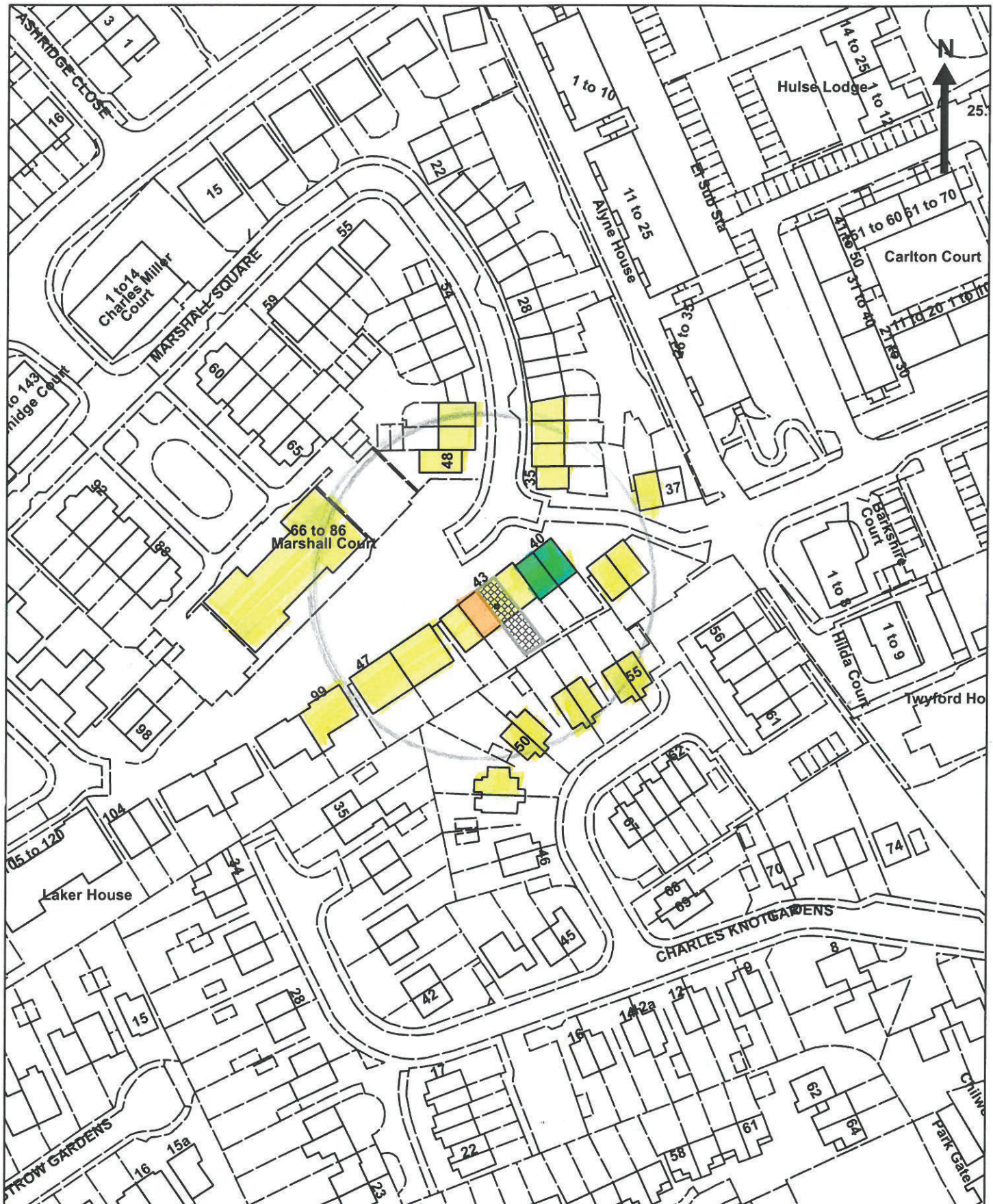
Other Relevant Guidance

The National Planning Policy Framework 2012

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EXISTING FIMOs

OTHER POTENTIAL FIMOs



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Agenda Item 7

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) - 24 February 2015
Planning Application Report of the Planning and Development Manager**

Application address: 27 King Edward Avenue, Southampton SO16 4DN			
Proposed development: Change of use from a dwelling house (Class C3) to a 5-bed House In Multiple Occupation (HMO - Class C4)			
Application number	14/01531/FUL	Application type	FUL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	04/11/2014	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Cllr Denness and five or more letters of objection have been received	Ward Councillors	Cllr Denness Cllr Galton Cllr Thorpe

Applicant: Mr Adam White	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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, SDP7, SDP9 and H4 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	HMO 40m Radius Survey Area
3	Extract from Minutes from 11 November Panel		

Recommendation in Full

Conditionally approve

Background

This application was previously considered by the Planning and Rights of Way Panel on 11th November 2014. The application was deferred to give the applicants the opportunity to undertake further parking surveys (in addition to the ones they had provided) to show the parking situation during school term time. This further information has been provided and is discussed below in more detail. The scheme is otherwise unchanged and this report is largely as previously considered.

1. The site and its context

- 1.1 The application site consists of a semi-detached dwellinghouse over 3 storeys (including loft conversion) situated on the western side of King Edward Avenue.
- 1.2 The site is located close to the Shirley Town Centre, shops on Oakley Road, Regents Park Community School (Secondary School) and a variety of bus routes. The area is characterised by family houses with some flat conversions.

2. Proposal

- 2.1 The application seeks to change the use from a C3 family house to a C4 house in multiple occupation (HMO). In practice, this means applying for a flexible use between C3 and C4 in order to allow for the property to be let to both sharers and single households for a period of 10 years. On the 10 year date from determination, the permanent use would become that which it is used as on that date.
- 2.2 It is proposed that the site will accommodate up to 5 residents. The site is currently owner occupied by two brothers. It is proposed that they will continue to occupy the property and the other rooms will be rented out to tenants. This is in order to remain living within the area where they have been long standing residents close to their family home (Beulah Road).

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 27th 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 is no planning history for 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 (19/09/2014). At the time of writing the report **5 representations** have been received from surrounding residents. This includes a petition by residents containing **30 signatures**. This application was deferred at the Planning and Rights of Way Panel on the 11th November 2014. Since this date, a series of photographs and further correspondence has been received from the resident of 25 King Edward Avenue. These photos show cars parked on the pavement and a recent traffic accident at the junction of Beulah Road and King Edward Avenue. The emails reinforce previous parking reasons for objecting to the application and have been considered by the Council's Highways Officer.

5.2 The following is a summary of the points raised:

5.3 Negative impact on quality of life/effect on disabled person living next door

5.4 Response: An objection was received accompanied by a doctor's note. Whilst it is understandable that such an issue is raised within an objection, personal circumstances cannot be the overriding consideration in determining a planning application against the other material planning considerations and interest of the wider public, in this case the need for this type of housing. It is recognised that objectors fear that their lives could be affected but this is not inevitable and similar issues could occur from other owner occupiers, families or other tenants outside of planning controls.

5.5 There has been no consultation from applicants

5.6 Response: Lack of contact with neighbours prior to submission is not a consideration in planning terms.

5.7 Parking issues

5.8 Response: The highways team have indicated that there would not be a safety issue. Some off-street parking has been provided and a parking survey requested to assess the impact on any potential overspill.

5.9 Refuse issues

5.10 Response: Details have not been provided within the application. However, this can be secured by condition so that, prior to use as an HMO, sufficient information is provided. It is therefore not considered reasonable to refuse the application on this basis.

5.11 Impact on the character of the area

5.12 Response: It is judged that the character of the area would not be significantly altered in this case due to the low level of HMOs within the area, maintaining a

balance of households.

5.13 **Overcrowding**

5.14 Response: The private sector housing team have indicated that the space standards are adequate for 5 people. The Local Planning authority do not have minimum room size standards.

5.15 **Noise and disturbance**

5.16 Response: It is recognised that noise and disturbance may be a factor in HMO properties, it is not inevitable that this will occur. Such incidents can occur with other types of residents which the planning system cannot control. Any issues that do arise should be dealt with through the appropriate channels.

5.17 **Loss of privacy**

5.18 Response: As no physical works are proposed and the change in occupants is the only alteration, it is not judged that the overlooking situation would be any different from at present.

5.19 **Consultation Responses**

5.20 **SCC Highways** - The site is located within an area where there are no parking restrictions (apart from vehicular accesses). There does not appear to be any increase in floor space or bedrooms but should there be any potential parking overspill, it will be more of an amenity issue rather than highway safety. This is due to the straight geometry of this section of King Edward Avenue and it is an existing situation and therefore I do not consider the possibility of one or two extra cars on the road will introduce any new safety concerns. It would be helpful to have a parking survey. I recommend approval subject to the following condition - Details of an enclosed, secure and lockable cycle store for 5 cycles (one for each bedroom/bedsit) to be submitted and agreed upon in writing by the local planning authority. Details must comply with SCC standards.

Following receipt of the additional parking survey work and photos from neighbours concerning a recent accident our recommendation remains unchanged, the proposed use is acceptable in highway safety terms for this location.

5.21 **SCC Housing** – Based on the plans provided and the proposed use as a 5 bedroom HMO we would have no objection. Should the number of occupants exceed 5, we would wish to ensure there are appropriate levels of amenities provided in the kitchen. The applicant should ensure that the SCC amenity standards are complied with and appropriate fire precautions are in place.

5.21 **Cllr Denness** – Request for item to be decided by Panel.

6. **Planning Consideration Key Issues**

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

- the principle of the development;
- the impact on the character of the area;

- the residential amenity of nearby residents and;
- parking and highway safety.

6.2 Principle of Development

6.2.1 The application seeks to obtain C4 use of the property in order to allow the owner occupiers to rent out additional rooms within their property. The reason for this is to maintain living within the area of which they are long standing residents. The principle of an HMO use on this site needs to be assessed against the HMO SPD to determine whether there is already a concentration of such properties within the area. In combination with this, the impact of an HMO on the character and amenity of the area and its residents needs to be assessed. These issues are discussed below.

6.3 Character of the area

- 6.3.1 The area is characterised by mostly single family houses and is within a short distance to local amenities and public transport. The aim of the HMO SPD is to achieve a mix of households within the city in order to meet different housing needs. The demand for HMO housing is high within the city, mostly by young single people both students and professionals, those on low incomes and other groups. Whilst there is also a demand for family housing, there would be no net loss of a family house in this case as the property would still be capable of being used as such by means of a flexible C4/C3 permission. Policy CS16 defines a family unit as having at least 3 bedrooms with direct access to private useable amenity space for the sole use of the unit.
- 6.3.2 In order to avoid a high level of concentration within a particular area of the city, the HMO SPD applies a threshold within a certain area (40m radius from front door of the property) to limit the amount of HMOs and to encourage an even distribution across the city. The threshold within the Millbrook ward is 20% in order to limit the negative impacts of HMO concentration on the character of the area and the local community.
- 6.3.3 An assessment has been made through visiting the street, reviewing the planning history of the area and the electoral role and investigating council tax and environmental health records. Based on this information, it appears that there is one other possible HMO (8 Beulah Road) within the 40m radius survey area (6%). With the introduction of a second HMO, the percentage would increase to 13%, below the maximum threshold of the HMO SPD of 20%.
- 6.3.4 Previous appeal decisions have addressed concerns relating to the impact of HMOs on the character of an area. However, these have related to quieter suburban areas. This area, close to a busy Town Centre, public transport routes and other public amenities is materially different from these areas previously protected by inspectors.
- 6.3.5 Overall, the tipping point of the amount of HMOs in an area which would lead to a harmful impact on the character of the area has not been exceeded. It is therefore judged that this area is capable of accommodating an additional HMO, providing much needed housing to the city, helping to spread the concentration more evenly whilst limiting the impact on the character of the area.

6.4 Residential amenity

- 6.4.1 There are no external works proposed which would have an impact on neighbouring residential amenities such as light, outlook and privacy. It is not judged that the occupation by individuals rather than a family will decrease privacy. However, there is the potential for increased comings and goings associated with multiple people living as separate households. Given that the area has a low number of HMO properties, this would have limited impact on the current arrangement for residents in the area.
- 6.4.2 Issues raised in relation to noise are recognised. Whilst concern and fear of the unknown behaviour of future residents is understandable, disturbance is not inevitable. The HMO SPD outlines the fact that at the time of writing of the SPD, only 0.5% of the HMO housing stock in the city had been subject to noise notices. Again, due to the limited amount of HMO's within the area, it is judged that this is not significant enough to warrant refusal of the application. The personal circumstances of the neighbouring occupier is recognised and supported by a doctor's note. However, personal circumstances cannot be the overriding consideration in determining a planning application against the other material planning considerations and interest of the wider public, in this case the need for this type of housing. It is recognised that objectors fear that their lives could be affected but this is not inevitable and similar issues could occur from other owner occupiers, families or tenants. Nonetheless, the occupancy of the property should be limited to 5 people in order to reduce the possible impact.
- 6.4.3 Whilst it is recognised that some HMO properties have issues with refuse bins being left out of the front of the property, it appears that within the area this is a common arrangement amongst residents. However, as an HMO property could create more waste or have management issues, a condition can be added to ensure that refuse bins are not stored at the front with the exception of collection day.
- 6.4.4 No physical additions to the building are proposed which would limit the amenity space provision. The internal layout is conventional so would not impact light, outlook or privacy. The Private Sector Housing team are satisfied with the room sizes for 5 residents. The communal rooms should remain as such and not turned into bedrooms for the residential amenity for occupiers to be maintained. Cycle storage is required for the residents in order to meet policies SDP5 and CS19. The can be secured by condition so each resident has a storage space.

6.5 Parking and highway safety

- 6.5.1 This application was deferred at the Planning and Rights of Way Panel on the 11th November 2014 in order for the applicant to undertake additional parking surveys. The City Council's Highways team have been consulted on these additional parking surveys. Their comments remain unchanged.
- 6.5.2 The Highways team have indicated that there would be no safety issue as a result of the application. Parking would therefore be an amenity consideration rather than one of safety. Off road parking for 3 cars is provided on site. Parking surveys (for King Edward Avenue, Beulah Road, Richville Road, Cecil Avenue and St Edmunds Avenue) were undertaken prior to the Planning and Rights of Way Panel

on the 11th November 2014;

- (1) 27th October 2014 (06:25 – 07:00). Demonstrated that spaces were available on all roads.
- (2) 27th October 2014 (21:20 – 22:00). Demonstrated that spaces were available on all roads except Cecil Avenue.
- (3) 28th October 2014 (06:25 – 06:50). Demonstrated that spaces were available on all roads.
- (4) 28th October 2014 (20:00 – 20:38). Demonstrated that spaces were available along King Edward Avenue, Cecil Avenue, Richville Road and St Edmunds road.
- (5) 29th October 2014 (06:25 – 07:00). Demonstrated that spaces were available along King Edward Avenue, Beulah Road, Cecil Avenue, Richville Road and St Edmunds Road.
- (6) 29th October 2014 (20:50 – 21:50). Demonstrated that spaces were available along King Edward Avenue, Beulah Road, Cecil Avenue, Richville Road and St Edmunds Road.

Following the deferral of the application, four additional parking surveys have been undertaken (for King Edward Avenue, Beulah Road, Richville Road, Cecil Avenue and St Edmunds Avenue) on the following dates;

- (1) 12th November 2014 (20:00 – 20:45). Demonstrated that spaces were available on all roads except Cecil Avenue.
- (2) 13th November 2014 (06:31 – 07:00). Demonstrated that spaces were available on all roads except Beulah road.
- (3) 13th November 2014 (football evening at the nearby school) (20:00 – 20:45). Demonstrated that spaces were available on all roads except Beulah Road.
- (4) 27th January 2015 (12:40 – 13:20). Demonstrated that spaces were available on all roads.

Having regard to the above information and the nature of the proposed Class C4 use, it is considered that sufficient parking would be provided (both off and on street) in the area to ensure that the proposed use would not be detrimental in amenity terms. As such, it is considered that parking provision in the area is sufficient. The occupancy of the site can however, be restricted to 5 people to limit the amount of cars using the site.

- 6.5.3 The area is close to public transport links and local amenities in Oakley Road, Romsey Road and Shirley High Street and is close to Shirley Town Centre therefore reducing the need for a car. The site is within a high accessibility area for public transport as set out in the Parking Standards SPD with 20+ buses per hour.

7. Summary

7.1 Overall, it is judged that, based on the information available to the council at the time of writing, there is a limited number of HMO's within the area and therefore the creation of an additional HMO would not exceed the threshold of 20% in the area. On this basis, the application complies with the HMO SPD helping to provide a site for an important housing need whilst limiting the impact on the area due to the low level of HMOs in the area thereby creating a balance between households. The living environment would be satisfactory in planning terms for both neighbours and future occupiers of the property and therefore in accordance with local plan policies SDP1 and H4. The updated parking surveys show availability and the recommendation, therefore, remains unchanged.

8. Conclusion

8.1 The application is recommended for approval subject to conditions.

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

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

LAUGRI for 24/02/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

03. APPROVAL CONDITION - C3/C4 dual use [Performance Condition]

The "dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

04. APPROVAL CONDITION - Occupancy Restriction [Performance condition]

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 5 individual residents shall at any time occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the property is occupied by unrelated individuals who share basic amenities).

Reason:

In order that the Local Planning Authority may exercise further control in this locality given the surrounding context and character and to reduce the potential impact of the development.

05. APPROVAL CONDITION - Room restrictions [Performance Condition]

The ground floor rooms annotated on floor plans as the lounge, kitchen/diner and sitting room shall remain as communal space for the occupiers of the property throughout the occupation of the building and shall at no time be used as bedrooms unless otherwise agreed upon in writing by the Local Planning Authority.

Reason:

To maintain sufficient residential environment for occupiers and to ensure that there is not intensification of use.

06. APPROVAL CONDITION - Cycle storage facilities [Pre-Occupation Condition]

Prior to the first occupation of the site as an C4 dwelling, details of an enclosed, secure and lockable cycle store to conform to the Local Planning Authorities standards of one space per resident shall be provided and agreed upon in writing by the Local Planning Authority . Such parking and storage shall thereafter be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

07. 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:

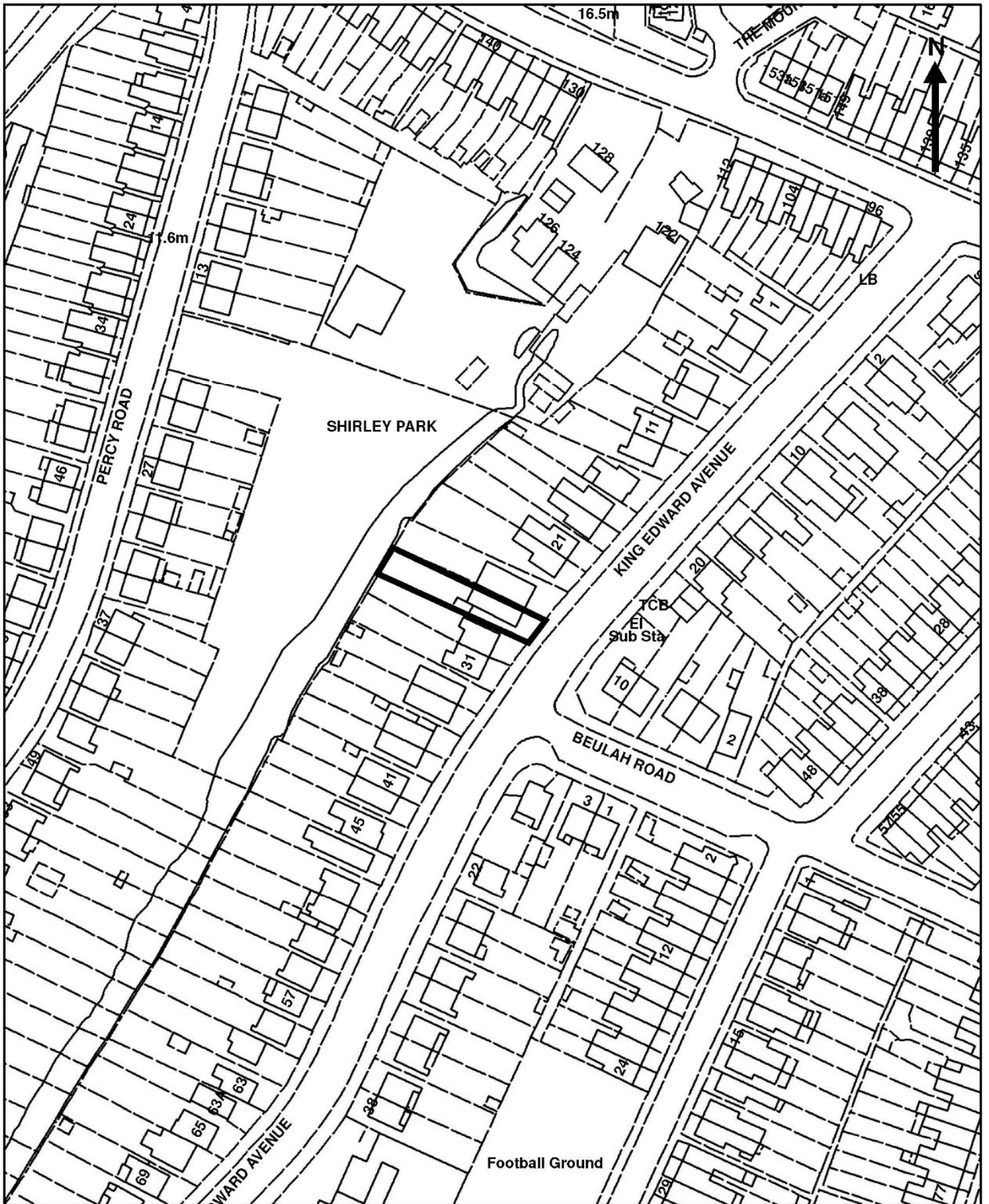
In the interest of visual amenity and for the safety and convenience of the users of the adjacent footway.

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

Before the works commence details of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose.

Reason:

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



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Application 14/01531/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Houses in Multiple Occupation SPD (Adopted - 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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Agenda Item 7

Appendix 2



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Application 14/01531/FUL

Extract from Minutes of PROW 11th November 2014

27 KING EDWARD AVENUE, SO16 4DN 14/01531/FUL

The Panel considered the report of the Planning and Development Manager recommending conditional approval in respect of an application for a proposed development at the above address.

Change of use from a Dwelling House (Class C3) to a 5-Bed House in Multiple Occupation (HMO - Class C4).

Mr S White, Mr A White (Applicants), Mrs White (local resident/supporting), Ms Murphy (local resident/objecting), Councillors Galton and Denness (Ward Councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the final sentence in Condition 3 should be deleted and should therefore read as follows:

The "dual C3 (dwelling house) and/or C4 (House in multiple occupation) use" hereby permitted shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. That dwelling shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use.

RESOLVED that this item be deferred to allow additional information to be provided in the form of further parking surveys carried out during school term time, to include a daytime survey.

RECORDED VOTE to defer the application:-

FOR: Councillors Lewzey, Lloyd and Mintoff

AGAINST: Councillors Claisse and Harris

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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel (West) 24 February 2015
Planning Application Report of the Planning and Development Manager**

Application address: Tanners Brook Primary School, Elmes Drive, Southampton SO15 4PF			
Proposed development: Erection of a single storey pre-school building to enable relocation of the existing Tanners Brook Community Association and Pre School within the grounds of Tanners Brook Primary School (revised application).			
Application number	14/02000/R3CFL	Application type	R3CFL
Case officer	Laura Grimason	Public speaking time	5 minutes
Last date for determination:	26.01.2015	Ward	Millbrook
Reason for Panel Referral:	Request by Ward Cllr Denness	Ward Councillors	Cllr Galton Cllr Denness Cllr Thorpe

Applicant: Southampton City Council	Agent: Capita
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal will support the provision of improved community facilities within the City and the Council's school building and expansion programme, ensuring that children in the city can continue their education whilst the school facilities are improved. The objections from local residents regarding noise, traffic generation and highway safety involving additional trips by school children is not considered to have sufficient weight to warrant refusal of the application, as a package of off-site measures has been put in place to ensure that people reach the site safely. The overall impact on the local highways network is acceptable. Other material considerations identified in the request to the Planning and Rights of Way Panel meeting on 24th February 2015 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, SDP5 SDP9, SDP16, NE4 of the City of Southampton Local Plan Review (March 2006) and CS11, CS13, CS18, CS19, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Minutes of June Panel (14/00346/R3CFL)

Recommendation in Full

Conditionally approve

Background

The proposed scheme is a Regulation 3 application for Full Permission. A Regulation 3 application relates to proposals made by the Council (in this case as the Local Education Authority) for development that it wishes to undertake as part of its remit as a public sector service provider. It is general practice that following the proper assessment of the planning merits of the proposal that Regulation 3 applications should be either approved, if considered acceptable, or the application should be requested to be withdrawn if not considered acceptable for justifiable planning reasons that would normally result in a refusal and subsequent planning appeal.

This application follows a similar proposal from last year, which was deferred at the June 2014 Planning Panel following a recommendation for approval. At that time it was felt that insufficient consultation had taken place with affected neighbours and the issue of noise had not been properly resolved. This application is a revised submission with a revised footprint and location and seeks to address these previous concerns.

1.0 The site and its context

- 1.1 This application relates to Tanners Brook Primary School located within the Millbrook ward of Southampton. More specifically, this relates to an area of open space within the curtilage of the school. Elmes Drive runs parallel to the eastern boundary of the school site with residential properties on the eastern side of this road separated from the school by the public highway. There are no residential properties on the western side of Elmes Drive. To the south, the rear gardens of the residential dwellings along Munro Crescent back onto the school site.
- 1.2 The Regents Park Community Centre and Pre-School is currently located within the school site, situated to the north west of Tanners Brook Infant School and to the west of Tanners Brook Junior School. As this proposal seeks to relocate an existing use within the school site, the existing vehicular and pedestrian access points will remain unaltered, as will parking arrangements.

2.0 Proposal

- 2.1 This proposal seeks permission for the construction of a single storey pre-school building to facilitate the re-location of the existing Regents Park Community Centre and Pre-school. The applicants have advised that the current building accommodates a pre-school (9-4 every weekday), local scrap booking groups (every second Saturday), a ladies' club (every second Wednesday 8-10pm), a children's drama club (Mondays 6-8pm), local bands (some 25 times last year between 7-10pm) and the occasional children's party. The proposed use would be limited to a 10pm finish.
- 2.2 The proposed pre-school building would occupy a footprint of approximately 195 sq m and would comprise a brick and cedar-clad construction with powder coated aluminium windows. It would have a flat roof with a finished height of 2.6m.

- 2.3 The proposed building would be located to the south of the main school building, approximately 11m from the rear boundary of the nearest residential properties along Munro Crescent but angled to increase the separation distance to some 20m.
- 2.4 The new building will enable the planned expansion of the school in the future with the expectation that the existing community building will be re-used as classrooms without the need for planning permission.
- 2.5 The application differs from the previously deferred application in the following ways;
- The proposed building has been rotated so that a greater separation distance would remain between it and the rear of nearby residential properties along Munro Crescent.
 - The applicant has undertaken a noise report which has now been submitted alongside this application.
 - This application follows further consultation with affected residents. The previous application attracted 8 objections. The current proposals have received 1 written objection and 4 letters of support.

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 27th 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 A previous application (ref.14/00346/R3CFL) submitted in February 2014 for the erection of a single storey pre-school building to enable relocation of the existing pre-school and community centre was withdrawn.
- 4.2 In April 2014, conditional approval (ref.14/00291/FUL) was granted for the erection of a single storey extension to provide a covered walkway, the widening of an existing gated pedestrian access and the formation of a new pedestrian gated entrance.
- 4.3 In 2012, conditional approval (ref.12/00126/R3CFL) was granted for the erection of a single storey building to provide 3 classrooms and a covered walkway. A subsequent application (ref.12/01054/DIS) for the discharge of condition 7 (materials) raised no objection.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report 5 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 Comments in support (4):

5.2.1 The retention of the community building and pre-school would benefit the local community and would reinforce linkages between this facility and the primary school. The loss of this facility would have a detrimental impact on the local community. Existing classrooms already back onto residential properties. The impact of the proposal on traffic within the area would be minimal as there is ample on-site parking when the school is open out of school hours. Provided the facility isn't open too late, the associated noise impact would be minimal.

5.3 Comments raising objection (1):

5.3.1 The proposal would result in additional noise and disturbance to the detriment of the amenities of neighbouring residents.

Response: The application has been assessed for its impact on the residential amenities of adjoining occupiers and is not considered likely to result in any additional harm. The submitted noise report concludes that the noise level arising from the general activities within the hall would be below the typical ambient noise level outside the residential properties closest to the site (taking account of the proposed mechanical services plant). Furthermore the Council's Environmental Health Officers are satisfied with these findings (see full response below).

5.3.2 The proposal would result in additional traffic along Elmes Drive, exacerbating existing parking stress.

Response: The application is not considered to have a significant impact on parking demand as the development will serve existing community groups.

5.3.3 The rear garden fence of no.74 Munro Crescent would form the rear boundary for the proposed use and would subsequently be damaged through the use of the proposed building.

Response: To ensure adequate boundary treatments are provided, a suitably worded planning condition will be imposed.

Consultation Responses:

- 5.4 **SCC Highways** - It is recognised that residents living near schools endure disruption at the beginning and end of the school day as a result of parent drop off and collection of pupils by car. This proposal is for the relocation of existing activities on site, therefore it is unlikely that there will be any change in traffic levels as a result of this proposal. However, this proposal is submitted to allow for expansion of pupil numbers within the existing school, as part of the schools expansion programme. It would therefore be appropriate for the school to review their travel plan, and work with the pupils and parents, with the support of the SCC School Travel Plan officer to work towards more sustainable travel to school to mitigate against an increased level of pupil numbers impacting on local neighbours at the beginning and end of the school day.
- 5.5 **SCC Sustainability Team** – The final development footprint would be less than 500 square metres. As such, it is not necessary to meet any specific sustainability standard.
- 5.6 **SCC Environmental Health (Pollution & Safety)** – No objection raised. Since it is not intended for the facility to be used for amplified music, it is recommended that a suitable clause is included in the lease for users of the facility to clarify that loud events (e.g., amplified music, DJs and brass or woodwind bands) are not permitted in the terms of use. It is suggested that a condition is applied requiring a management plan, which should include this limit on the use. This management plan should also include the controls mentioned by the applicant in their submission. The 24 Acoustics reports details the acoustic details for the construction, and the building should be constructed to the standards detailed in the report.
- 5.7 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the effects of land contamination. Records maintained by SCC - Environmental Health Services do not indicate that any potentially contaminating land uses have existed on or, in the vicinity of the subject site. However, these records are not authoritative and reference to them alone is not sufficient to confidently determine the presence of any risk. In view of the sensitive nature of the proposal a more thorough assessment of the potential land contamination hazards would be prudent. Therefore, to ensure compliance with 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. Planning conditions are recommended.
- 5.8 **SCC Historic Environment** – The Historic Environment Record indicates that a number of prehistoric lithic finds have been found from the general area, although none of these are precisely located. There is therefore a possibility that remains associated with the prehistoric occupation of the city may be disturbed by the proposed development. However, there is insufficient reason to request evaluation of the site prior to development, and a Watching Brief on the groundworks (including the construction of new services) is requested.
- 5.9 **SCC Tree Team** – There are tree under Tree Preservation Orders on site that may be affected by the proposal. If permission is granted, trees to be retained on site

must be properly protected. Trees to be removed must be mitigated for by planting 2 new trees within the curtilage of the site. Conditions are recommended.

- 5.10 **Southern Water** – Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. An informative is recommended.

6.0 Planning Consideration Key Issues

- 6.1 The determining issues for this proposal relate to;
- (a) the acceptability of the principle of development;
 - (b) the acceptability of the design of the proposed building;
 - (c) the impact of the proposal on the amenities of any neighbouring occupiers;
 - (d) the impact of the proposal in terms of highways safety and parking; and
 - (e) the impact of the proposal on any on site trees.

6.2 Principle of Development

- 6.2.1 Paragraph 72 of the NPPF explains that the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education.

- 6.2.2 It is important to understand that as a direct consequence of relocating the existing facilities, it enables the scheduled expansion of the school which is necessary due to an increased demand for places. The proposed relocation will enable to first phase of the expansion, to allow the school to use the existing pre-school building for additional classrooms.

- 6.2.3 Core Strategy policy CS11 states that: 'The development of high quality education and related facilities which encourage community use of their facilities will be promoted'. This proposal seeks to retain an existing pre-school and community use on the site in a new purpose built structure in a more accessible and visible location.

- 6.2.4 The applicant has demonstrated that alternative locations for the building within the curtilage of the school were considered – including that previously submitted to the Panel in June of last year. These were however, found to be inappropriate as they would result in the loss of part of the school playground or field.

- 6.2.5 Having regard to the above considerations, the principle of the development is considered to be acceptable.

6.3 Design

- 6.3.1 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The proposed building will sit comfortably in the space that is available on site.

- 6.3.2 In terms of form, the proposed building is similar to the classroom building approved in 2012 (ref.12/00126/R3CFL). It would be of an appropriate design and scale in relation to both the school and this recent addition and would be set back from Elmes Drive at an acceptable distance to ensure that it would have an

appropriate relationship with the wider streetscene. The existing vegetation along the Elmes Drive boundary will be retained and provide a degree of screening for the building.

- 6.3.3 The proposed boundary treatment along the Elmes Drive frontage is going to be taller than the existing boundary wall. It is considered essential to ensure the safety and security of the pupils. According to the submitted Design and Access Statement, the perimeter of the site will be surrounded by new anti-climb fencing not to exceed 1.8m in height. This would comprise a metal or timber construction. It is considered that the proposed fencing would create a stronger sense of enclosure to the site, having regard to the necessity of the high fence to protect the young pupils within the site.
- 6.3.4 Limited details have been provided on the appearance and scale of the external stores, but they would be ancillary in nature to the main building and secured by a planning condition.
- 6.3.5 Having regard to the above considerations, the proposed building is considered to be acceptable in design terms in accordance with Core Strategy Policy CS13.

6.4 Residential Amenity

- 6.4.1 The proposed building would be located in a part of the site which backs onto the rear gardens of the residential properties along Munro Crescent. The submitted 'Proposed Block Plan' indicates that an appropriate separation distance of between 11 and 20m would remain between the rear elevation of this building and the rear of these residential gardens. Having regard to this separation distance, the height and orientation of the proposed building, this proposal is not considered likely to give rise to any adverse impacts on the residential amenities of the occupiers of nearby residential dwellings by virtue of loss of light, overbearing relationship or loss of privacy.
- 6.4.2 Concerns have been raised about the impact of the proposal in terms of noise and disturbance. This proposal seeks to relocate an existing pre-school / community centre use from one part of the site to another. The applicant has submitted the following information regarding the use of the building based on its previous use in its current location;

- * Pre-school in operation from 9am to 4pm Monday to Friday during term time.
- * Scrap booking club the second Saturday of each month (8pm – 10pm).
- * Ladies club every second and fourth Wednesday of each month (8pm – 10pm).
- * Children's drama ground every Monday (term time only) (6pm – 8pm).

The existing community centre has also been used infrequently for band practice sessions (between 7pm and 9pm and 7pm and 10pm). Children's parties are also held on occasion. The applicant has indicated that the finish time for all events is 10pm.

- 6.4.3 The applicant has submitted a Noise Report examining the likely impact of the proposed use and the associated air conditioning equipment. The City Council's Environmental Health department have been consulted on this scheme and have reviewed this submitted document. This noise report acknowledges that it is not the intention of the applicant to use the facility to play amplified music and advises a restriction on this to prevent loud events taking place and to protect residential

amenity. The Environmental Health department have requested a condition requiring the submission of a management plan to demonstrate how the property will be used. This should include a limit on the playing of amplified music. Provided that this is undertaken and that the building is constructed to the standard that has been specified officers raise no objection to the proposal. A suitably worded condition will also be imposed to restrict the hours of operation to 7.30am to 10pm daily. Provided that these conditions are adhered to this proposal would not result in a loss of amenity.

6.5 Highways Safety and Parking

6.5.1 Tanners Brook School is located to the west of Elmes Drive. There are a number of parking restrictions (clearway / no stopping) associated with the school entrance on the western side of this road. There is however, on road parking available along Elmes Drive.

6.5.2 Parking and traffic generation was considered acceptable when the previous application for new classrooms (12/00126/R3CFL) was approved.

6.5.3 It is recognised that residents living near schools endure disruption at the beginning and end of the school day as a result of parent drop off and collection of pupils by car. This proposal is for the relocation of existing activities on site, therefore it is unlikely that there will be any change in traffic levels as a result of this proposal. However, this proposal is submitted to allow for expansion of pupil numbers within the existing school, as part of the schools expansion programme. Having regard to this, it would be appropriate for the applicant to review their travel plan in order to encourage the use of sustainable modes of transport. This should be undertaken with the assistance of the Southampton City Council School Travel Plan Officer. If undertaken appropriately, this would effectively mitigate against the adverse impact associated with increasing pupil numbers. In order to encourage cycling as a mode of transport to the school, a suitably worded condition will be imposed requiring cycle storage to be provided prior to occupation. An additional condition will be imposed required the school to review and submit an updated travel plan prior to occupation.

7.0 Summary

7.1 The proposed relocation of the community uses to a purpose built modular building will support the Council's school building programme, ensuring that school facilities are improved to meet the current and future demand.

7.2 It is considered that there is a direct link between the proposals and the school expansion programme and this will result in additional traffic and trips. It is also considered that sufficient measures can be implemented through planning conditions to ensure that the impact on traffic generation is mitigated. Other concerns such as noise can also be mitigated through the imposition of the suggested planning conditions.

8.0 Conclusion

8.1 Having regard to the issues set out above it is considered that this proposal is acceptable.

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(vv), 6(c), 7(a), 9(a), 9(b).

LAUGRI for 24/02/15 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - Approved Plans

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

Reason:

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

03. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the building hereby approved shall only be used for educational purposes with ancillary sporting and leisure facilities available to the public through the community use agreement, and for no other purpose within Class D1 of Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason:

To allow the local planning authority to control the nature of development in terms of protecting the character and amenity of the surrounding area.

04. APPROVAL CONDITION - Operation restriction [Pre-Occupation Condition]

The school premises hereby approved shall be operated on a "dual use" basis in accordance with further details that shall be agreed in writing with the Local Planning Authority prior to first occupation. These details shall include the proposed hours of use, the on-site management of the community uses and a pricing policy (if applicable). The site shall be closed and vacated of all persons enrolled on educational courses or accessing the building through the community use agreement between the hours of 22:00 (10pm) and 07:30 (7:30am) on a daily basis.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties at to secure wider community benefit in accordance with Policy CS11.

05. APPROVAL CONDITION - Details of building materials to be used

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.

06. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan

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

07. APPROVAL CONDITION - Boundary fence [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.

08. APPROVAL CONDITION - Cycle parking facilities [Pre-Occupation Condition]

The development shall not be occupied until provision of the cycle parking facilities detailed in the approved plans shall be provided and such space shall not thereafter be used other than for the purposes for which it is provided

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

09. APPROVAL CONDITION - Travel Plan [Pre-Commencement Condition]

Prior to occupation of the proposed building hereby approved, the applicant shall submit an updated Travel Plan undertaken in collaboration with the Southampton City Council School Travel Plan Officer, pupils and parents, outlining how sustainable modes of transport will be encouraged. The site shall be managed in accordance with the agreed details

Reason:

To encourage the use of sustainable modes of transport in the interests of highway safety and to protect the residential amenities of nearby residential occupiers.

10. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

11. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so

as not to present any significant risks to human health or, the wider environment.

12. APPROVAL CONDITION 'Archaeological watching brief [Pre-Commencement Condition]

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

Reason:

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

13. APPROVAL CONDITION 'Archaeological watching brief work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

14. APPROVAL CONDITION - 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.

15. APPROVAL CONDITION - Vegetation retention and protection [Pre-Commencement Condition]

No development, including site works of any description, shall take place on the site unless and until all the existing bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems of 5 metres or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised or lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed.

Reason:

To ensure the retention and maintenance of vegetation which is an important feature of the area.

16. APPROVAL CONDITION - Replacement trees [Performance Condition]

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

Reason:

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

17. 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.

18. APPROVAL CONDITION, Control of amplified equipment - [Performance Condition]

At no time shall sound amplifying equipment be used or installed which would generate noise audible from the boundary of the nearest noise sensitive property to the building hereby approved unless otherwise agreed in writing with local Planning Authority.

Reason:

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

19. APPROVAL CONDITION – External Stores

Details of the proposed external stores (including size, location and purpose etc.) shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The stores shall be installed as agreed.

Reason:

In the interests of visual and residential amenity.

20. 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.

21. APPROVAL CONDITION - Construction Delivery Hours [Performance Condition]

Deliveries to the site shall not take place at the start of the school day (between 08:00 and 09:00) and at the end of the school day (between 14:30 and 15:30).

Reason:

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

Note to Applicant:

A formal application for connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

POLICY CONTEXT

Core Strategy - (January 2010)

CS11	An Educated City
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Minutes from Planning and Rights of Way Panel for the previous scheme (ref.14/00346/R3CFL)

4. TANNERS BROOK PRIMARY SCHOOL, ELMES DRIVE SO15 4PF 14/00346/R3CFL
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).

Colin Floyd (applicant), Claire Lebas (local resident / objecting) and Councillors Galton and Thorpe (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported:

- An amendment to the recommendation to include an additional delegation that in the event the Undertaking is not provided within two months from the Panel decision that officers be able to refuse/seek withdrawal of the application;
- The receipt of additional correspondence from SCC Environment Health to secure a noise report with recommendations regarding amplified music;
- Amended and additional conditions regarding trees, contaminated land and noise; and
- An additional condition regarding construction delivery hours

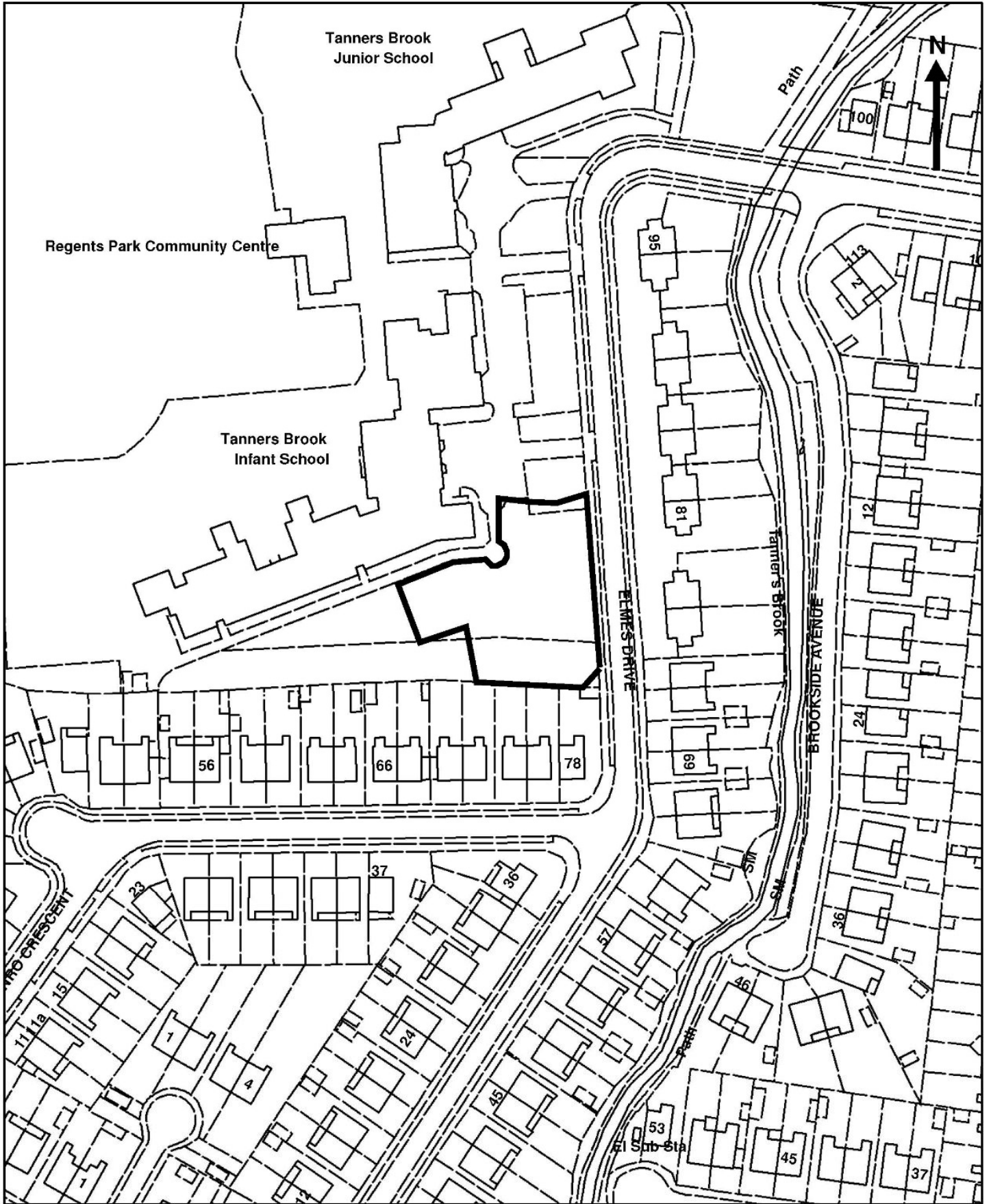
The Panel expressed their concern regarding the operating hours and potential noise from the community centre element of the application.

RESOLVED that this item be deferred to secure amendments to the application, a noise survey and additional consultation with local residents.

RECORDED VOTE to defer the application:-

FOR: Councillors Harris, Lewzey, Lloyd and Tucker
AGAINST: Councillor Fitzhenry

14/02000/R3CFL



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