

# Planning and Rights of Way Panel (EAST)

Tuesday, 19th January,  
2016

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 Denness (Chair)  
Councillor Tucker (Vice-Chair)  
Councillor Hecks  
Councillor Coombs  
Councillor Wilkinson

### **Contacts**

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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**

Procedure / 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 2015/16**

| <b>Planning and Rights of Way - EAST</b> |                 |
|--|-----------------|
| <b>2015</b>                              | <b>2016</b>     |
| 23 June 2015                             | 19 January 2016 |
| 4 August                                 | 1 March         |
| 15 September                             | 12 April        |
| 27 October                               |                 |
| 8 December                               |                 |

| <b>Planning and Rights of Way - WEST</b> |                 |
|--|-----------------|
| <b>2015</b>                              | <b>2016</b>     |
| 2 June 2015                              | 9 February 2016 |
| 14 July                                  | 22 March        |
| 25 August                                | 3 May           |
| 6 October                                |                 |
| 17 November                              |                 |
| 22 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 for 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 - 8)

To approve and sign as a correct record the Minutes of the meeting held on 8 December 2015 and to deal with any matters arising, attached.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 18-22 CUMBERLAND PLACE 15/01823/FUL** (Pages 13 - 50)

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

### **6 TRAFALGAR DRY DOCK 15/00408/FUL AND 15/00409/LBC** (Pages 51 - 102)

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

### **7 55 ROCKLEIGH ROAD 15/02126/FUL** (Pages 103 - 112)

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

### **8 62 COLBY STREET 15/02047/FUL** (Pages 113 - 122)

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

**9** **UNIT 3 WINCHESTER STREET AND 3-4 VERNON WALK, SO15 2EL**  
**15/02217/FUL** (Pages 123 - 140)

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

**10** **37 ORPEN ROAD 15/01998/FUL** (Pages 141 - 156)

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

Monday, 11 January 2016

HEAD OF LEGAL AND DEMOCRATIC SERVICES

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PLANNING AND RIGHTS OF WAY PANEL (EAST)  
MINUTES OF THE MEETING HELD ON 8 DECEMBER 2015

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Present: Councillors Denness (Chair), Tucker (Vice-Chair), Coombs, Hecks (except minute number 36) and Wilkinson

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

**RESOLVED:** that the minutes for the Panel meeting 27<sup>th</sup> October 2015 be approved and signed as a correct record.

33. **LAND BETWEEN SHOP LANE AND BURSLEDON ROAD, BOTLEY ROAD 15/01775/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.

Subdivision of land to form two plots for use by travelling show people including for storage of vehicles, siting of residential caravans and associated equipment. Provision of new access from Botley Road, following closure of existing access (resubmission of application reference 14/01520/FUL)

Simon Hughes, Kelly Sampson (local residents/ objecting), Richard Stone (agent), Steph Smith (supporter) and Councillor Letts (ward councillor /objecting) were present and with the consent of the Chair, addressed the meeting.

Officers detailed a number of amended and additional conditions detailed below.

The officer recommendation to delegate authority to the Planning and Development Manager to conditionally approve planning permission was amended to remove Planning Condition relating to the Temporary Time Consent.

RECORDED VOTE to remove planning condition 1 proposed by Councillor Hecks and seconded by Councillor Wilkinson

FOR: Councillors Hecks, Wilkinson and Coombs

AGAINST: Councillors Denness, Tucker

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

**Amended Conditions**

**AMEND CONDITION 3:**

APPROVAL CONDITION – Landscaping

Within three months of the date of this permission, revised landscaping details, maintenance details and an implementation timetable shall be submitted to the Local Planning Authority for approval in writing. The revised details shall include:

- i. specification of the materials to be used for the new access and main storage areas;

- ii. new planting adjacent to the new access;
- iii. the inclusion of Gorse (*Ulex europous*) and instant hedging in the planting schedule;
- iv. specification of the sight-lines from the new access and;
- v. the provision of boundary treatment, including at least 1.8 metre close boarded fencing located between the amenity grass areas on site and the edge of the boundary hedge with Botley Road.

The landscaping shall be implemented in accordance with the agreed details and timetable and thereafter retained as approved.

**REASON:**

To provide adequate landscape screening of the site in the interests of the visual amenity of the area.

**AMEND CONDITION 4:**

01. APPROVAL CONDITION – Management Plan for Arrivals and Departures  
 Within three months of the date of this permission, a Management Plan shall be submitted to and approved by the Local Planning Authority in writing which addresses how the arrivals and departures of Heavy Good Vehicles and Articulated Lorries to and from the site will be managed. The plan will include the timing and routeing of vehicles to avoid peak times. For the avoidance of doubt no Heavy Goods Vehicles or Articulated Lorries shall arrive at or depart from the site outside the hours of **09:30 and 15:30**. The Management Plan will be adhered to whilst the approved use is in operation.

**REASON:**

In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

**Additional Conditions**

**ADD NEW CONDITION 1:**

APPROVAL CONDITION - Full Permission Timing Condition

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).

**ADDITIONAL CONDITION 9 LANDSCAPE BUFFER**

APPROVAL CONDITION – Provision and Retention of Landscape Buffer and Storage Areas

Within three months of the date of this permission, an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority for the provision of the two main storage areas illustrated on the plans hereby approved. The two storage areas shall be implemented in accordance with the agreed timetable and plans hereby approved, and thereafter retained and made available for use. Once the storage areas are provided, the amenity grass area between the main storage areas and the boundary with Botley Road shall be retained as a soft-landscaped strip and kept free from all development associated with the use hereby approved, including the siting of vehicles, equipment and caravans, or any storage.

REASON:

In the interests of the amenities of nearby residential occupiers in Botley Road and in the interest of the character and appearance of the area.

**ADDITIONAL CONDITION 10 – ON-SITE MAINTENANCE**

APPROVAL CONDITION – Restriction of on-site maintenance

No maintenance of fairground rides and equipment or heavy good vehicles shall take place on site.

REASON:

In the interests of the amenities of nearby residential occupiers

**ADDITIONAL CONDITION 11 – REFUSE AND RECYCLING STORAGE**

Within three months of the date of this permission, details and an implementation timetable for refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the agreed details and timetable and thereafter retained as approved.

REASON:

In the interests of highway safety, the character and appearance of the area and residential amenity.

**Addition Condition 12:**

APPROVAL CONDITION Archaeological watching brief investigation [Pre-Commencement Condition]

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

REASON:

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

**Addition Condition 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.

RECORDED VOTE to grant planning condition as amended.

FOR: Councillors Coombs, Denness and Hecks,

AGAINST Councillor Tucker

ABSTAINED Councillor Wilkinson

34. **68-76 AND 80-84 PORTSWOOD ROAD 14/02045/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site to provide 71 student flats (10 x one bedroom, 45 x two bedroom and 16 x three bedroom) in 3, 4 and 5 – storey buildings with associated facilities and an office/commercial unit with parking and storage

Paul Bainbridge, Gordon Gillies, Adrian Vinson (local residents/ objecting) and Gareth Jenkins (architect) were present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

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

**Amended Conditions**

**6. APPROVAL CONDITION - Archaeological evaluation [Performance Condition]**

The developer **shall** 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.

**7. APPROVAL CONDITION - Archaeological investigation (further works) [Performance Condition]**

The Developer **shall** secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

REASON:

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

**8. APPROVAL CONDITION - Archaeological work programme (further works) [Performance Condition]**

The developer **shall** 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

**16. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

REASON:

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

**17. APPROVAL CONDITION - Energy & Water [performance condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

REASON:

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

35. **VOODOO LOUNGE, VINCENT'S WALK 15/01857/FUL**

The Panel considered the report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Re-development of the site. Demolition of the existing building and erection of a part 8-storey, part 9-storey and part 11-storey building to provide a commercial unit and purpose built student accommodation (44 cluster flats, 97 studios - 283 total bed spaces) with associated facilities.

Graham Linecar, Simon Reymier (local residents/ objecting), Amanda Sutton (agent) and Mike Skilton (architect), were present and with the consent of the Chair, addressed the meeting.

**RESOLVED**

- (i) to delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S106 Legal Agreement, the conditions listed in the report.

36. **LEISURE TRAIL, MANSBRIDGE ROAD 15/01903/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.

Mr Brown (local residents/ objecting), Robin Peat (agent), and Councillor White (ward councillor/objecting) were present and with the consent of the Chair, addressed the meeting.

Change of use to car wash and valet (class sui generis) and enclosure to jet wash (resubmission)

The officer detailed an amendment to the Time Limited (Temporary) Permission Condition changing the proposed date expire date to 8<sup>th</sup> September

The officer recommendation to delegate authority to the Planning and Development Manager to conditionally approve planning permission was not carried.

RECORDED VOTE to grant planning permission  
FOR: Councillors Coombs and Tucker  
AGAINST: Councillors Denness, Wilkinson

The motion to grant planning permission was lost on the use of the Chairs casting vote.

**RESOLVED** that conditional planning permission be refused for the reason set out below:

REASON FOR REFUSAL - Adverse noise and amenity impact

The nature and intensity of the proposed use has the potential for a high volume of vehicles coming and going throughout the week, and especially the weekend when the occupiers of the adjacent residential property Brindle House are expecting quiet and peaceful enjoyment of their property. Notwithstanding that the site is already within commercial use, the activities associated with the proposed car wash in terms of comings and goings are considered to be significantly greater in intensity than the previously approved car sales business (ref. no. 14/00477/FUL). As such, the proposed use would cause an undue disturbance to these occupiers. As such the proposal will have an unacceptable impact on residential amenity and is therefore contrary to saved policies SDP1(i) and SDP7 (v) and SDP16 of the City of Southampton Local Plan Review (2015).

**NOTE:** Councillor Hecks declared an interest and withdrew from the meeting for the consideration of this item.

37. **53 VICTORIA ROAD, SO19 9DZ 15/00157/OUT**

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

Redevelopment of site and the stopping up of a public footpath. Erection of 4 dwellings (4 x 3 bed) (1 x 3 storey and 3 x part 3 storey with rooms in the roof) with associated parking and amenity space. (Outline application seeking approval for access, layout and scale).



The officer recommendation to delegate authority to the Planning and Development Manager to authority to grant outline planning permission subject to criteria listed in report was not carried.

**RESOLVED** that conditional planning permission be refused for the reasons set out below.

#### REASON FOR REFUSAL - Overdevelopment

The proposed development represents an overdevelopment of the site in terms of the excessive number of dwellings proposed by reason of:

- (a) There is insufficient external space available (excluding the hardstanding and footprint coverage for each plot) to provide functional and useable private amenity spaces given their over-enclosed and cramped nature. This would not provide the quality of amenity space expected under the Council's standards as set out in paragraph 2.3.14 and section 4.4 of the Residential Design Guide, thereby resulting in a poor quality residential environment;
- (b) The narrow frontages of the dwellings proposed does not reflect the characteristic plot widths of the typical terraces within Victoria Road this would result in the development appearing cramped within the street scene;
- (c) There is insufficient off-street car parking provided for the future occupiers of the development in an area of known on-street car parking stress. It has not been demonstrated that the level of car parking proposed would be sufficient to serve the development, as required by the adopted Parking Standards Supplementary Planning Document and, as such, the proposal could result in over-spill car parking on the surrounding streets. The resulting pressure on available on-street parking from the additional demand would have detrimental impact on the amenities of the neighbouring occupiers as local residents would be less likely to park in convenient walking distance of their properties.

As such, the proposal would be contrary to saved policies SDP1(i), SDP7(iii)/(iv), SDP9 and H7 of the Local Plan Review (amended March 2015) and policies CS13 and CS19 of the Core Strategy (amended March 2015) as supported by the guidance set out in the Residential Design Guide Supplementary Planning Document (September 2006) and the Parking Standards Supplementary Planning Document (September 2011).

REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

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**PLANNING AND RIGHTS OF WAY PANEL (EAST)  
INDEX OF PLANNING APPLICATIONS FOR DECISION**

**DATE: 19 January 2016 - 6pm**

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

| <b>Main Agenda Item Number</b> | <b>Officer</b> | <b>Recommendation</b> | <b>PSA</b> | <b>Application Number / Site Address</b>                               |
|--------------------------------|----------------|-----------------------|------------|--|
| 5                              | RP             | DEL                   | 15         | 15/01823/FUL<br>18-22 Cumberland Place                                 |
| 6                              | RP             | DEL                   | 15         | 15/00408/FUL<br>Trafalgar Dry Dock                                     |
| 7                              | AC/JT          | CAP                   | 5          | 15/02126/FUL<br>55 Rockleigh Road                                      |
| 8                              | AC/JT          | CAP                   | 5          | 15/02047/FUL<br>62 Colby Street  |
| 9                              | SB             | DEL                   | 5          | 15/02217/FUL<br>Unit 3 Winchester Street And 3-4 Vernon Walk, SO15 2EL |
| 10                             | SB             | CAP                   | 5          | 15/01998/FUL<br>37 Orpen Road  |

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Delete as applicable:

RP – Richard Plume  
JT – Jenna Turner  
AC – Anna Coombes  
SB – Stuart Brooks

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

### Report of Planning & Development Manager

#### 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 Plan (Adopted 2013)
  - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
  - (c) Local Transport Plan 2006 – 2011 (June 2006)
  - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
  - (e) Adopted City Centre Action Plan (2015)
  - (f) Community Infrastructure Levy Charging Schedule (2013)
  
3. Statutory Plans in Preparation
  - (a) Emerging Bassett Neighbourhood Plan (Post Examination) (2015)
  
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. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)
- (b) National Planning Policy Guidance Suite

7. 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)

# Agenda Item 5

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel (EAST) - 19 January 2016  
Planning Application Report of the Planning and Development Manager**

|  |                                       |                             |  |
|--|---------------------------------------|-----------------------------|--|
| <b>Application address:</b><br>18-22 Cumberland Place  |                                       |                             |  |
| <b>Proposed development:</b><br>Erection of a part 11-storey and part 12-storey building to provide retail floorspace (Class A1/A2/A3) at ground floor level with purpose built student residential accommodation above (62 cluster flats and 166 studio units - 507 bedrooms in total) with associated communal living space, cycle and waste storage in the basement and external amenity areas. |                                       |                             |  |
| <b>Application number</b>  | 15/01823/FUL                          | <b>Application type</b>     | FUL                                    |
| <b>Case officer</b>  | Richard Plume                         | <b>Public speaking time</b> | 15 minutes                             |
| <b>Last date for determination:</b>  | 05.02.2016 (Agreed extension of time) | <b>Ward</b>                 | Bargate                                |
| <b>Reason for Panel Referral:</b>  | Departure from the Development Plan   | <b>Ward Councillors</b>     | Cllr Bogle<br>Cllr Noon<br>Cllr Tucker |
| <b>Referred by:</b>  | N/A                                   | <b>Reason:</b>              | N/A                                    |

|  |                               |
|--|-------------------------------|
| <b>Applicant:</b> Peveril Securities Limited & Cumberland Commercial | <b>Agent:</b> Signet Planning |
|--|-------------------------------|

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

|   |            |
|---|------------|
| <b>Community Infrastructure Levy Liable</b> | <b>Yes</b> |
|---|------------|

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The application constitutes a Departure from the Development Plan as the site is within a protected office area. However, the Council is satisfied that the site has been marketed as an office development opportunity for a reasonable period and that alternative uses should be considered. The Council is satisfied that the design, amount of development, impact on the amenities of neighbours and transportation issues are acceptable for this site. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP10, SDP13, HE5, HE6, H2, H7 and H13 of the City of Southampton Local Plan Review (amended 2015), CS4, CS6, CS13, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (amended 2015) and AP1, AP2, AP9, AP16 and AP17 of the City Centre Action Plan (2015).

| <b>Appendix attached</b> |                           |   |                                 |
|--------------------------|---------------------------|---|---------------------------------|
| 1                        | Development Plan Policies | 2 | Habitats Regulations Assessment |

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulations Assessment in Appendix 2 to this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
  - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iv. Provision of Public Art in accordance with the Council's Public Art Strategy.
  - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vii. Measures to mitigate the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - viii. Submission and implementation of a Travel Plan.
  - ix. Submission and implementation of a Waste Management Plan.
  - x. Submission and implementation of a Student Intake Management Plan to regulate arrangements at the beginning and end of the academic year.



xi. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.

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

4. That the Planning and Development Manager be given delegated powers to add, vary and/or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

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

1.1 The application site is a cleared piece of land (approximately 0.24 hectares in area) surrounded by a hoarding situated on the north side of Cumberland Place at the junction with Grosvenor Square. The immediate surroundings are predominantly commercial in character with offices on three sides: Mountbatten House, a substantial 4-storey and 5-storey building above lower ground floor parking to the north; 23 Cumberland Place, a 4 -storey building (known as West Park House) to the east; 15-17 Cumberland Place, a part 5 and part 6 storey building to the west on the opposite side of Grosvenor Square. Adjoining to the south is Watts Park which forms part of the City Central Parks and are designated as Parks of Special Historic Interest. On the north side of the application site is a privately owned access road which serves this site and the adjoining West Park House. This private road is currently gated at either end.

1.2 The application site is not within a conservation area. There are some listed buildings on the Cumberland Place frontage (numbers 5-11), in Grosvenor Square and in Brunswick Place to the east. The area to the north of the parks is one of the prime office development locations in the City Centre (Policy AP2 of the City Centre Action Plan).

## **2. Proposal**

2.1 The application proposes the erection of a part 11-storey and part 12-storey building to provide student residential accommodation. On the ground floor, three retail/cafe units would be provided facing Cumberland Place (total floorspace of approximately 770 square metres). The proposed building would be U-shaped and would provide a south facing hard paved and landscaped communal space fronting Cumberland Place. The proposed student accommodation would be a total of 507 bedrooms in a mixture of 62 cluster flats (10 x four bedroom, 11 x five bedroom and 41 x six bedroom) and 166 studio units.

2.2 Various communal student facilities, a gymnasium, cinema and study areas, will be provided within the basement and at the rear of the ground floor. Shared roof terraces for the students would be provided at first floor level and on the roof. The main entrance to the student accommodation would be from the side in Grosvenor Square.

- 2.3 Servicing will be from the private road at the rear of the site. There will be 8 car parking spaces and one cycle space per two student bedrooms to be provided within the basement. Refuse storage would also be in the basement and would be managed as part of the building maintenance contract.
- 2.4 The overall height of the building would be approximately 36 metres which is 54.35 metres Above Ordnance Datum (AOD) which compares to adjoining tall buildings at Queens Keep (57.48 m. AOD) and Brunswick House (63.29 m AOD).
- 2.5 The proposed external materials would be Portland stone or similar rainscreen cladding to the base of the building with a change further up the building to a through coloured stone effect rainscreen cladding.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.4 As the site is within the defined City Centre, the following policies in the CCAP are particularly relevant. Policy AP1 seeks to promote large scale office developments in appropriate locations. Policy AP2 seeks to retain existing offices in prime office areas which include Cumberland Place and Brunswick Place. Policy AP9 seeks to promote residential developments on appropriate sites. Due to the policy designation as a prime office location, this proposal constitutes a Departure from the Development Plan. The justification for departing from this policy position is given in paragraphs 5.2, 6.2 and 6.3 of this report.

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

- 4.1 Prior to demolition, the site was in two parts: a 1960's office building at 18-20 Cumberland Place which was part 3-storeys and part 8-storeys; and a pair of 3-storey office buildings at 21-22 Cumberland Place. There is separate planning history for these two sites.
- 4.2 **18-20 Cumberland Place**  
In February 2011, planning permission was granted for: 'Redevelopment of the site. Demolition of the existing building and erection of a 10-storey building to provide offices (Class B1 - 13,276 square metres floorspace) with associated works and basement parking, including reconfiguration of existing rear access'

(Council reference 08/01202/FUL). This permission was not implemented and consequently has lapsed.

#### 4.3 **21- 22 Cumberland Place**

Two permissions have been granted for this part of the site. Firstly, application reference 08/01183/FUL for 'Redevelopment of the site. Erection of an 8-storey office building (6,800 square metres Class B1 floorspace) with associated parking and facilities involving reconfiguration of existing rear access to provide ramped vehicular access to the basement, following demolition of the existing building.' This was granted permission in February 2010. Secondly, application reference 10/00792/FUL for 'Erection of an 8-storey office building (6,300 square metres Class B1 floorspace) with associated parking and reconfiguration of existing rear access to provide ramped vehicular access to the basement' which was granted in October 2010. Again these permissions have not been implemented and have therefore lapsed.

4.4 Subsequent to these decisions, there were pre-application discussions about a combined development of the two sites for offices of up to 10-storeys in height. Although no planning application was submitted, the site was marketed for a major new office development under the name 'The Bond'.

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

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (25.09.2015 and 06.11.2015) and erecting a site notice (21.09.2015 and 06.11.2015). At the time of writing the report **7** representations have been received from surrounding residents and businesses. The following is a summary of the points raised:

5.2 **This is an inappropriate location within the city centre for large-scale student accommodation. Policies in the City Centre Action Plan promote large scale office accommodation and Policy AP2 explicitly states that Cumberland Place/Brunswick Place is a 'Prime Office Area'. There is no policy or economic justification for destroying the inherent commercial character of this part of Cumberland Place which remains a thriving and prestigious commercial area. The Council could risk inadvertently facilitating the departure of large, economically significant Southampton based firms from the City if it introduces incompatible student use in Cumberland Place.**

#### Response

The significant increase in demand for purpose built student accommodation has resulted in several former office sites coming forward for student housing. Local examples include Mayflower Plaza and Brunswick House. Although it is Council policy to retain existing offices in this part of the city centre, it is arguable how long the Council should wait for an office development to come forward on this site given the demand for alternative uses. The fact that there is no extant planning permission and apparently limited interest in taking up an office development on this site is a material consideration.

5.3 **The extent of the proposed development leaves minimal space for the**

**provision of suitable outdoor amenity space for future residents. The proposal is therefore an overdevelopment of the site because it will not provide suitable unshadowed, useable amenity space. The proposed urban square would be inadequate to serve the development of over 500 rooms, it would also be a low quality space due to a lack of natural light and overshadowing by the high rise block surrounding it. A number of the rooms would not provide a good standard of amenity with limited outlook and some would look directly onto adjoining sites. The development would also suffer from noise and air quality problems due to its location adjoining a busy main road and multi-storey car park. A consequence of a poor quality environment for future residents will be an adverse impact on the mental welfare for future student occupiers.**

Response

It is not accepted that the proposed square would be significantly overshadowed; it is a south facing area and would provide a useful place for students and other users of the commercial units to meet. Upper floor roof terraces would be provided and the site is directly opposite the central parks where the amenity space needs of future occupiers can be met. The outlook from some of the rooms, predominantly study bedrooms, would be limited but this is not unusual for a development of this nature. Air quality issues can be mitigated by mechanically ventilating some of the rooms and this, together with measures to combat noise from the busy main road can be secured through conditions.

- 5.4 **The Council has not complied with its statutory obligations with regard to publicising the application and notifying adjoining occupiers. The private access road at the rear of the site is not within the applicants ownership and the necessary notice has not been served. The applicant's level of public consultation has been extremely limited compared to other student schemes in the city.**

Response

The application has been advertised by site and press notices on two occasions with letters sent to adjoining occupiers. The Council's obligations have therefore been met. The private access road at the rear of the site is not within the red line of the application. It is up to the applicants to decide how much pre-application consultation to undertake although it is understood that the adjoining solicitors who made this objection were met by the applicant in the lead up to the submission of the application.

- 5.5 **There are currently no road crossings, does this mean they will be installed should the Panel give the go ahead to this application?**

Response

There are pedestrian phases on the traffic lights at the junctions with Grosvenor Square and with Bedford Place so there are convenient and safe pedestrian routes across Cumberland Place to the parks and other parts of the city centre.

- 5.6 **The proposed building will block the natural light into the office building adjoining to the north. One whole side of our office is overlooked by this area. The height of this proposed building is of great concern.**

### Response

The height and mass of the proposed building is very similar to the previously approved office development. There will inevitably be an impact on the offices at Mountbatten House in terms of loss of outlook. The existing offices within Mountbatten House are open plan and dual aspect. The national planning guidelines on daylight/sunlight generally apply to residential neighbours. Although the guidelines may also be applied to existing non-domestic buildings where the occupants have a reasonable expectation of daylight, there are no specific planning standards for natural daylighting to office building as it is assumed that offices tend to rely on artificial supplementary lighting throughout the day.

- 5.7 **The Council's Ecologist has objected to a similar application for a tall building adjoining the park at Vincents Walk (Voodoo Lounge site), partly on the grounds that the building could pose a collision risk to birds. The same considerations apply here. There are many large birds flying around the outside of the park. The cruelty to flying birds by building obstacles in their natural and established flight path is not acceptable. Birds falling from high storeys could cause severe injury or death.**

### Response

The Council's Ecologist has reviewed the scheme and is content that this would not be a significant issue for the application site. This is because there are a number of other tall buildings close to it which means that birds will be forced to fly higher up before they reach the parks. The proposed building on the Voodoo Lounge site on the other hand would be the only tall building in the vicinity which means that it is more likely to catch birds out. It is also much closer to the park, with sizeable trees close to it, so birds will need to fly close to the building in order to reach the trees.

- 5.8 **Councillor Tucker:** Support the application in principle but would like to see some of the CIL monies for this project going towards providing a safe crossing along the stretch of road further down towards the junction opposite Queens Keep. There is an active set of traffic lights on one side of Havelock Road if crossing from the park but none if you are walking from the park towards the Polygon

### Response

The Council's Highways Team are satisfied that pedestrian crossings in the immediate vicinity of the application site are acceptable. Any wider improvements would rely on a future bid for funding from CIL contributions.

### **Consultation Responses**

- 5.9 **SCC Highways** - No objections to the principle of student accommodation on this site. The quantum of parking shown is adequate for an inner city location and it is accepted that many visits here will be on foot. The parking would be required at the beginning and end of term for student drop off and collection and this would need to be managed. The cycling, parking and servicing arrangements require amendments.
- 5.10 **SCC Housing** – As the proposed scheme comprises student accommodation we

would not seek affordable housing, but would expect a student restriction to be put in place, plus we would hope that the provider would sign up to 'SASSH' (Southampton Accreditation Scheme for student housing).

- 5.11 **SCC Sustainability Team** – A BREEAM pre-assessment estimator has been submitted which demonstrates that the development can achieve 'Excellent'. At least 15% reduction in CO2 over Building Regulation is achieved through the energy efficiency measures and the use of on-site CHP and photovoltaics on the roof. Other areas of the roof are proposed to be Sedum mat. There is a request that this be top dressed with a specific green roof wildflower seed mix. This would ensure the roof contributes more effectively to Policy CS22 (Promoting Biodiversity), and would also contribute to BREEAM ecology credits. A condition is recommended for securing the green roof specification. There will be an improvement on the 'Green Space Factor score' as required by the City Centre Action Plan as the previously developed site intends to incorporate this green roof and also tree planting.
- 5.12 **SCC Heritage** – There are no archaeological issues with this application. The key conservation issue is therefore the impact of the building on the setting of the Grade II Registered Park. The current proposal is an improvement on previously approved schemes, and the breaking up of the façade by creating the U shape will result in a less domineering built form. Given the extensive green edge to the park the building would not be visible from inside the park except perhaps during the winter months. Consequently, it is not considered that there would be any harm caused to the setting of the park.
- 5.13 **SCC Environmental Health (Pollution & Safety)** - No objection to this application subject to conditions on air quality measures, noise, extraction equipment, construction management etc. Although this site is not currently within an Air Quality Management Area (AQMA) as there are not any receivers in the current location, there is a high level of traffic flow which is frequently queuing and therefore stationary in this area. The site is between the Charlotte Place AQMA and Commercial Road AQMA. The student accommodation on Havelock Road has had works carried out to protect the lower floors air quality as a result of an air quality assessment they carried out. In addition the proposed accommodation is designed in some parts to be quite close to the road.
- 5.14 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the application site is located on/adjacent to the following existing and historical land uses: Omnibus Depot (adjoining to the North and Garage (adjoining to East). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. It is recommended that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. This can be covered by planning conditions.
- 5.15 **SCC Ecology** – No objections, the application site comprises a cleared site with a limited amount of naturally re-colonising vegetation. The plant species present are all commonly occurring and there is a negligible likelihood of protected species being supported. The proposed development includes an area of landscape

planting and a green roof which have the potential to support biodiversity. I would like to see native and/or ornamental plant species of established wildlife value included in the amenity areas. I would also like the green roof to be more biodiverse incorporating a combination of sedum, wildflowers and grasses. This would provide a varied habitat attractive to a range of invertebrates, particularly pollinators and would complement the biodiverse green roof on the nearby Mayflower Plaza Halls of Residence. The accompanying ecology report makes a number of recommendations in respect of biodiversity enhancements which I would like to see implemented.

- 5.16 **Natural England** – Raise objection until further information is provided. The application site is within or in close proximity to a European designated site and therefore has the potential to affect its interest features. In respect of the New Forest SPA, the application does not include information to demonstrate that the requirements of the Habitats Regulations have been considered by the Council. It is recommended that the Council obtain further information to help undertake a Habitats Regulations Assessment. This should include an ecological assessment of the impact of the operational phase of the development on the designated sites. This could include information on car ownership restrictions, the ease of public transport accessibility to the New Forest sites and the visitation patterns of the student population relative to the permanent residential population of the city to the sites in question. In respect of the Solent and Southampton Water SPA, provided that the applicant is complying with the locally adopted policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

#### Response

The Council's Planning Ecologist has prepared the necessary Habitats Regulations Assessment which is Appendix 2 to this report. The report will be sent to Natural England and any response will be provided verbally at the meeting.

- 5.17 **Historic England** - No comments on this case. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 5.18 **City of Southampton Society** – The new building should not be any higher than its un lamented predecessor; the proposed building is unattractive being just a series of square blocks; the amenities are lacking, the communal facilities are not much for 500 students; there will be adverse pressure upon the park, e.g. students playing football and so on, which is not really consistent with the character of Watts Park. The Society would like assurances that the new building would be readily converted into family dwellings if need be. Students would not be the ideal occupants of such a prestigious site facing the park.

#### Response

There are no planning reasons why student residential accommodation should not be built on sites facing the parks as is the case at Mayflower Plaza and Brunswick House. This is a high density form of development. Although subsequent conversion to an alternative form of flatted accommodation would be possible this

is unlikely to be an attractive site for family housing should the market change in the future.

- 5.19 **Southampton Commons and Parks Protection Society** – SCAPPS objects to the proposed development. This is an extremely sensitive location where the proposed development will form a frontage to the grade II\* registered park and is part of a terrace of now varied buildings facing the Park. Cumberland Terrace dates from the time when the Parks were laid out in the mid-19th century. The terraces facing the Parks were an integral part of the overall design intention for the Parks. They gave a setting and background to views within the Parks. Despite some of the original buildings having been lost and replaced, Cumberland Terrace still has that character and role - the buildings along it provide a setting and backdrop to the Park. There is a rhythm and continuity which perpetuates the character of the original 4/5 storey terrace. An important part of that results from care in height, all except the building on the corner of Devonshire Road are around 5 storeys with design features setting back storeys above that height so in street views there is visually a continuity between them. That character and appearance is fragile. It is particularly vulnerable when over large buildings are 'dropped' into the sequence making up the continuous facade. SCAPPS objects to this proposed development because it is too high; a tall building in this location would be obtrusive in views from within and across Watts Park and is at variance with the rhythm and style of the rest of Cumberland Place.
- 5.20 The submitted 'streetscape elevations' show how an 11 and 12 storey structure on this site would be out of character and out of sympathy with the height, scale and rhythm of the rest of Cumberland Place. SCAPPS acknowledges that the current proposal is visually less damaging than schemes already granted permission, but having made mistakes in the past is, in SCAPPS view, insufficient reason to perpetuate that mistake and accept on this site a development that is so clearly out of scale and out of place.
- 5.21 SCAPPS also has concern at the compounding impact of yet more student housing next to an ornamental park. The application makes no provision for on-site active recreation. Bringing over 500 active young persons to live next to a Park must result in increased pressure for kick-about type recreation. Watts Park outside the application site is laid out as ornamental gardens and singularly vulnerable to damage from that type of pressure. If permission is granted it must be accompanied by provision in a suitable nearby location in the Central Parks of a purpose-designed facility for active recreation.

#### Response

The views of SCAPPS on developments of this nature are well known. However, Policy AP17 of the CCAP promotes individually designed tall buildings to provide variety adjoining the Central Parks. Any further improvements to the parks to provide for more active recreation would need to be funded through CIL rather than through the Section 106 agreement for this site. The proposal also includes a residents gym and students have access to University sports pitches/clubs as part of their education.



5.22 **Southampton Design Advisory Panel (comments at the pre-application stage)** - The panel broadly support the proposal and in general feel the scheme is well thought out. Detailed comments:

- The setback and change of material for the top three floors is unnecessary. It would be better to lose the setback, but slightly increase the thickness of the horizontal element that defines the transition between the vertical and horizontal emphasis of the building
- The building element next to the Paris Smith building should consider the need for a similar top floor treatment
- Consideration could be given to extending the colonnade as a feature across the front of the building to provide a 'threshold' for the new public square, although care needs to be taken not to overly 'privatise' the space
- The use of roof spaces to provide private communal amenity for the students is a welcome feature.

#### Response

These comment were fed back to the applicant and resulted in this later version of the design.

5.23 **Southern Water** - there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. There are no objections subject to conditions and informatives.

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

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

- The principle of this form of development and the use
- The scale and design of the scheme
- Transportation issues
- Impact on neighbouring amenities
- Section 106 issues

### 6.2 Principle of Development

The most relevant planning policy relating to offices is now AP2 of the City Centre Action Plan. This policy states that in the prime office areas, which includes Cumberland Place/Brunswick Place) the net loss of office floorspace will not be supported unless there are clear economic benefits. The site is vacant and although there have been previous proposals there is no extant planning permission; there is therefore no net loss of office floorspace on this site.

6.3 The applicant has provided evidence of marketing which has taken place for the site as an office development. Information from letting agents demonstrates a variety of marketing approaches for parts of the site since 2008. Once the two parts of the site were effectively combined a formal marketing campaign was launched in mid 2012. As a result of the marketing exercise it became clear that the majority of demand for offices in the Southampton area was for smaller units

than 'The Bond' building. The letting agents feel that the possibility of achieving a pre-let at The Bond or anywhere else in Southampton is very unlikely in the short to medium term and market demand is most likely to be satisfied by the refurbishment of existing buildings. This professional view is supported by recent experience; there have been no speculative office buildings constructed in the city centre since the schemes at Charlotte Place and Dorset Street which were built some 10 years ago. In these circumstances, the site is appropriate for other uses including residential. Public comments on the application have expressed a preference for either retaining a commercial use or developing the site for general needs family housing. Whilst these alternative uses might be acceptable, this application must be considered on its own merits against the relevant policy background.

6.4 The proposed student accommodation is a mixture of self-contained studio flats and 'cluster flats', where groups of students have individual study bedrooms and share a communal living space. The principle of this type of accommodation is supported by 'saved' Local Plan Policy H13 and is well suited for this site which is close to existing bus routes and within easy walking distance of Solent University (approximately 600 metres from the main campus). Furthermore, the provision of purpose built student accommodation could reduce the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply. The Core Strategy Policy relating to Housing Mix and Type (CS 16), specifically the family housing/HMO requirements do not apply to purpose built student accommodation. The application is therefore considered to be policy compliant and acceptable in principle. Concern has been expressed about the level of new student accommodation being provided in this area. Research carried out as part of this application and other proposals show that the two universities together have an overall capacity of some 32,000 full-time students whereas the purpose built accommodation is only approximately 10,000 student rooms. Although there is a significant amount of development in the pipeline, the research indicates there remains demand for well-located purpose built student accommodation within the city and student numbers are also likely to rise further: this proposal will contribute to meeting that need and may assist in freeing up shared housing in the suburbs for genuine family housing.

#### 6.5 Scale and design of the development

The northern side of the parks along Cumberland Place/Brunswick Place exhibit a wide range of architectural styles and building heights. Permission has been granted previously for tall buildings on this site. More recently, in May 2015, permission was granted for alterations and extensions to create a 10-storey building at 14 Cumberland Place. Although these permissions have not been implemented, there is a precedent for tall buildings in this location. Furthermore, Policy AP 17 of the recently adopted City Centre Action effectively promotes tall buildings of high quality design in suitable locations. One of the locations where tall buildings (5-storeys or more) are considered to be acceptable in principle are as individually designed buildings to provide variety adjoining the Central Parks with active frontages that contribute positively to their setting and respond to the scale of the parks. The policy seeks to encourage tall buildings which make a positive contribution and add to the image and identity of the city as a whole.

6.6 In terms of the detailed design approach, the ground floor would have a prominent double-height commercial frontage to Cumberland Place with the main student entrance at the side. This would provide active frontages to both public sides of the building and a human scale to the base. The scale of the building is effectively broken up into a clear bottom, middle and top section. The U-shaped footprint separates the building into three parts and breaks up the apparent mass when viewed from the parks and along Cumberland Place. The design of the scheme has evolved from the pre-application process with input at various stages from the Council's Design Advisory Panel. The Panel have supported the design approach taken. It is considered that the proposed architectural approach has the potential to create a development of high quality design, subject to the use of good quality materials which can be controlled through conditions.

#### 6.7 Transportation Issues

This site is served by public transport, being close to Unilink bus routes and is within convenient walking distance of Solent University. The availability of car parking is a key determinant in the choice of mode of travel. Local and national policies aim to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the city and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the S.106 legal agreement, the proposal is considered to be acceptable given this location. Issues associated with refuse management and the dropping off and collection of students at the beginning and end of the University term can be controlled through the Section 106 agreement.

#### 6.8 Impact on neighbouring properties and quality of accommodation

In terms of the physical impact of the building, this would be most noticeable along the northern site boundary. The adjoining buildings are in office rather than residential use and the same level of protection cannot be provided on issues of sunlight/daylight, privacy and loss of outlook. The height and siting of the building is similar to the previous approvals for office developments.

6.9 Concern has been expressed about the likely standard of accommodation and the impact the design will have on the amenities of future occupiers. The layout of the student accommodation is typical of the modern developments being provided by private developers with a mix of studio units and cluster flats. This proposal includes extensive shared facilities including study spaces, a gym and cinema. The building would have extensive south facing views across the parks and is within easy walking distance of all the city centre facilities. In terms of lighting to rooms, the study bedrooms have been designed with relatively large windows providing a generous area of glazing. The applicant has provided evidence to demonstrate that the bedrooms within the building would experience internal daylight levels which comply with the relevant British Standard.

## 6.10 Section 106 matters

The Section 106 agreement can limit use of the site to student accommodation only as well as assist in the day to day management of the building and parking arrangements. Financial contributions can be sought towards transportation improvements. The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. A specific formula has been adopted for student accommodation of this type. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application will comply with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) once the Section 106 agreement completes. A more detailed assessment of the impact of the development in this regard is included in the HRA within Appendix 2 to this report.

## 7. Summary

- 7.1 The application site is currently vacant and in poor condition: redevelopment for an alternative use is acceptable in principle. There is demand for additional purpose built student accommodation in the city and this site is close to Solent University. This would be a high density development but the scale and form of the development is considered to be acceptable for this site. The proposal is considered to be acceptable in terms of design and neighbouring amenity, highway safety and parking.

## 8. Conclusion

It is recommended that planning permission be granted subject to a Section 106 agreement and conditions.

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(e), 2(f), 4(a), 4(d), 4(g), 4(r), 4(vv), 6(a), 6(b), 7(a).

**RP2 for 19/01/2016 PROW Panel**

## **PLANNING CONDITIONS**

### **1. 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).

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

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

Reason:

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

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

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

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

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

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

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

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

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

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

Reason:

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

#### **5. 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.

#### **6. 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.

#### **7. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)**

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The measures shall include arrangements for vehicle parking by site operatives during construction. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

#### **8. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

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

Reason:

In the interests of highway safety.

#### **9. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]**

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

**10. APPROVAL CONDITION - BREEAM Standards (commercial development)  
[Pre-Commencement Condition]**

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

Reason:

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

**11. APPROVAL CONDITION - BREEAM Standards (commercial development)  
[performance condition]**

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

Reason:

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

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

Written documentary evidence demonstrating that the development will at minimum achieve a reduction in CO2 emissions of at least 15% over part L of the Building Regulations shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

**13. 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.

**14. APPROVAL CONDITION - Piling (Pre-Commencement)**

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of neighbouring occupiers.

**15. APPROVAL CONDITION - Green roof specification (Pre-commencement Condition)**

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

Reason:

To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

**16. APPROVAL CONDITION - Safety and security (Pre-Commencement Condition)**

No development shall take place apart from site preparation and groundworks until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and security.

**17. APPROVAL CONDITION - Submission of a Bird Hazard Management Plan**

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

place unless first submitted to and approved in writing by the Local Planning Authority.

Reason:

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

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

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

#### **18. APPROVAL CONDITION - Layout of Car Parking/Serviceing (Pre-Occupation Condition)**

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

Reason:

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

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

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

Reason:

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

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

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, as set out in the Ecology Report submitted with the application which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason

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

**21. Approval Condition - Noise & Vibration (external noise sources) (Pre-Commencement)**

Prior to the commencement of the development hereby approved, apart from site preparation and groundworks a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

**22. APPROVAL CONDITION - Extract Ventilation [Pre-Occupation Condition]**

The ground floor commercial unit shall not be used for food and drink purposes (Use Class A3) until extraction and ventilation equipment has first been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The equipment shall thereafter be retained in accordance with the agreed details whilst a restaurant or café use is operating.

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

**23. APPROVAL CONDITION - Hours of Use & Delivery Non-residential uses [Performance Condition]**

The non-residential use hereby permitted shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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

**24. APPROVAL CONDITION - Details of a Management Plan [Pre-Occupation Condition]**

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, car parking arrangements and measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers.

**25. APPROVAL CONDITION - Provision and retention of facilities (Performance Condition)**

The ancillary facilities for the student accommodation as shown on the approved plans, to

include the cinema/function room and study rooms in the basement and gym, meeting room and amenity area on the ground floor, shall be provided before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation.

Reason: In the interests of the amenities of future occupiers of the building.

**26. APPROVAL CONDITION - Air Quality measures (Pre-Commencement Condition)**

No development shall commence, apart from site preparation and groundworks, until details of measures to protect future residents from air quality issues, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the residential accommodation is first occupied and retained thereafter.

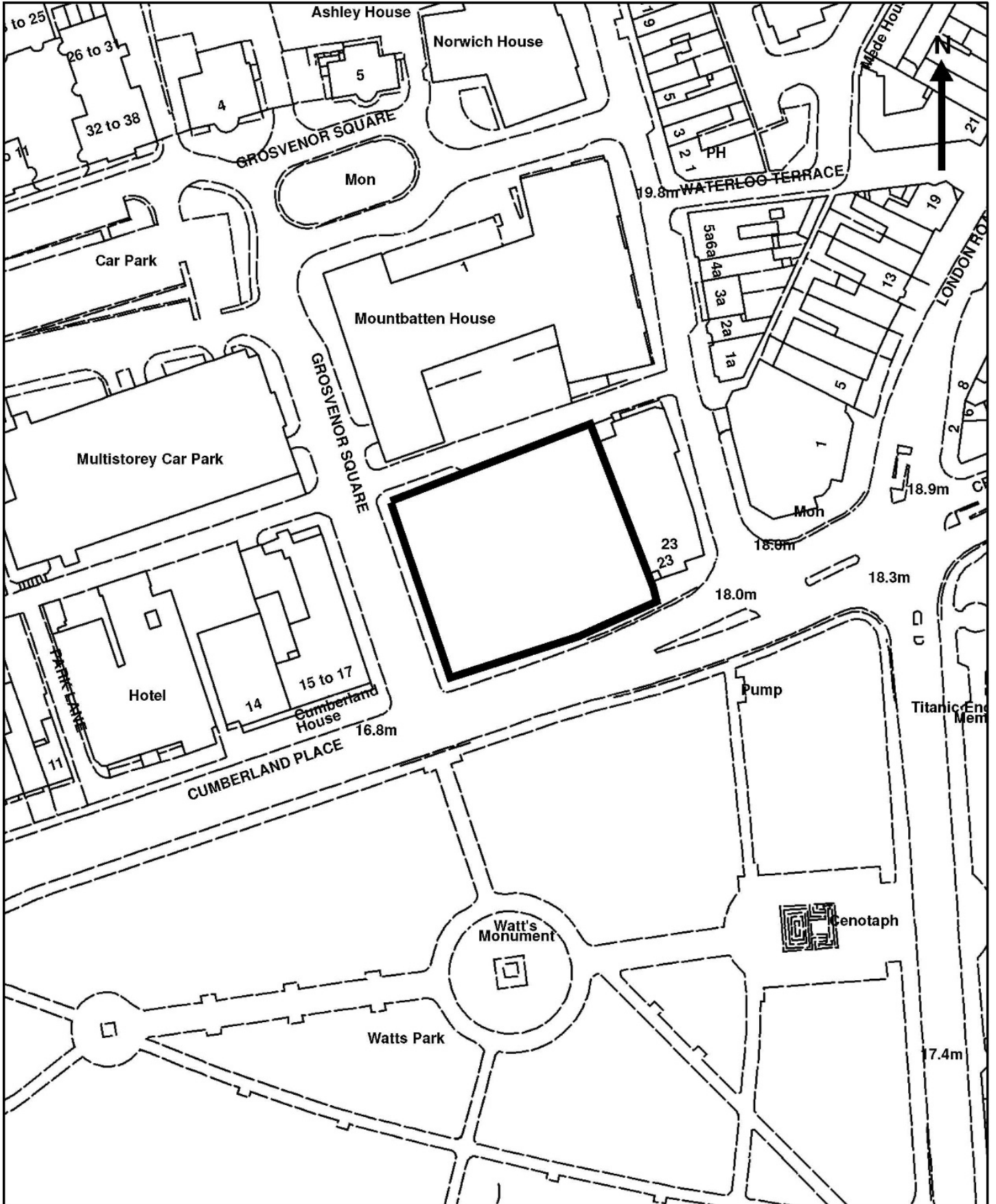
Reason: In the interests of the amenities of future occupiers of the building.

**27. 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.



Scale: 1:1,250

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**Application** 15/01823/FUL

### **POLICY CONTEXT**

#### Core Strategy - (as amended 2015)

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS3  | Promoting Successful Places                                |
| CS4  | Housing Delivery   |
| CS5  | Housing Density  |
| CS6  | Economic Growth  |
| CS7  | Safeguarding Employment Sites                              |
| CS8  | Office Location  |
| CS11 | An Educated City   |
| CS13 | Fundamentals of Design                                     |
| CS14 | Historic Environment                                       |
| CS16 | Housing Mix and Type                                       |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car and Cycle Parking                                      |
| CS20 | Tackling and Adapting to Climate Change                    |
| CS22 | Promoting Biodiversity and Protecting Habitats             |
| CS24 | Access to Jobs   |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

#### City of Southampton Local Plan Review – (as amended 2015)

|       |  |
|-------|--|
| SDP1  | Quality of Development                         |
| SDP4  | Development Access                             |
| SDP10 | Safety & Security                              |
| SDP11 | Accessibility & Movement                       |
| SDP13 | Resource Conservation                          |
| SDP15 | Air Quality                                    |
| SDP16 | Noise  |
| SDP17 | Lighting                                       |
| SDP22 | Contaminated Land                              |
| HE3   | Listed Buildings                               |
| HE5   | Parks and Gardens of Special Historic Interest |
| HE6   | Archaeological Remains                         |
| H2    | Previously Developed Land                      |
| H6    | Housing Retention                              |
| H7    | The Residential Environment                    |
| H13   | New Student Accommodation                      |

#### City Centre Action Plan - March 2015

|       |                                     |
|-------|-------------------------------------|
| AP 1  | New office development              |
| AP 2  | Existing offices                    |
| AP 7  | Convenience retail                  |
| AP 9  | Housing supply                      |
| AP 12 | Green infrastructure and open space |

- AP 13 Public open space in new developments
- AP 14 Renewable or low carbon energy plants; and the District Energy Network
- AP 16 Design
- AP 17 Tall buildings
- AP 18 Transport and movement

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)



### Habitats Regulations Assessment (HRA)

|                          |  |
|--------------------------|--|
| Application reference:   | 15/01823/FUL   |
| Application address:     | 18 - 22 Cumberland Place Southampton   |
| Application description: | Erection of a part 11-storey and part 12-storey building to provide retail floor space at ground floor level with purpose built student residential accommodation above (62 cluster flats and 166 studio units - 507 bedrooms in total) with associated communal living space, cycle and waste storage in the basement and external amenity areas. |
| HRA completion date:     | 07/12/2015   |

|   |  |
|---|--|
| HRA completed by:   |  |
| Lindsay McCulloch<br>Planning Ecologist<br>Southampton City Council<br>Lindsay.mcculloch@southampton.gov.uk | Richard Plume<br>Major Projects Co-ordinator<br>Southampton City Council<br>Richard.plume@southampton.gov.uk |

|  |
|--|
| Summary  |
| <p>The project being assessed would lead to the provision of a mixed use development incorporating student accommodation with a total of 507 bedspaces and new retail space located approximately 1.4km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 5.4km from the New Forest Special Area of Conservation (SAC)/SPA/Ramsar site.</p> <p>The site, which is currently vacant, previously contained an office building. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SAC/SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that <b>the significant effects which are likely in association with the proposed development can be overcome.</b></p> |

| Section 1 - details of the plan or project   |  |
|--|--|
| <p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p> | <ul style="list-style-type: none"> <li>▪ The New Forest SAC</li> <li>▪ New Forest SPA</li> <li>▪ New Forest Ramsar site</li> <li>▪ Solent and Southampton Water SPA</li> <li>▪ Solent and Southampton Water Ramsar Site</li> </ul> |

|   |   |
|---|---|
| <p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>                         | <p>No – the development consists of new student accommodation which is neither connected to, nor necessary for, the management of any European site.</p>  |
| <p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p> | <ul style="list-style-type: none"> <li>▪ Southampton Core Strategy (amended 2015) (<a href="http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf">http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf</a>)</li> <li>▪ City Centre Action Plan (<a href="http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx">http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx</a>)</li> <li>▪ South Hampshire Strategy (<a href="http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm">http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm</a> )</li> </ul> <p>The South Hampshire Strategy plans for 55,200 new homes, 580,000m<sup>2</sup> of office development and 550,000m<sup>2</sup> of manufacturing or distribution floor space across the South Hampshire area between 2011 and 2026.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the former Bus Depot site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p> |

Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.

|  |
|--|
| <p><b>Section 2 - Assessment of implications for European sites</b></p>  |
| <p>Test 1: the likelihood of a significant effect</p> <ul style="list-style-type: none"> <li>• This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.</li> </ul>  |
| <p>The proposed development is located 1.4km to the south-west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst The New Forest SAC, New Forest SPA and New Forest Ramsar site are approximately 5.4km to the south.</p> <p>A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.</p> |

In their response to the consultation on this planning application, dated 13th November, 2015 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. In particular the response also highlighted the potential for ecological impacts during the operational phase of the development.

The following mitigation measures have been proposed as part of the development:

- No parking spaces, apart from two disabled spaces, will be provided within the proposed development.
- The development will incorporate 130 secure cycle parking spaces.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- Information on public transport and pedestrian and cycle route maps will be provided.
- A leaflet highlighting recreational and sports resources in the vicinity of the site will be distributed to new residents.
- A tenancy clause barring the keeping of pets.
- A contribution of £8822 for the Solent Recreation Mitigation Project.

#### Conclusions regarding the likelihood of a significant effect

This is to summarise whether or not there is a likelihood of a significant effect on a European site as set out in Regulation 61(1)(a) of the Habitats Regulations.

The project being assessed would lead to the provision of a total of 507 bedspaces for students and new retail space located approximately 670m from Solent and Southampton SPA/Ramsar site and 7km from the New Forest SPA/Ramsar site.

The site is currently vacant having previously contained a block of offices. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site.

The applicant has provided details of several avoidance and mitigation measures which are intended to reduce the identified impacts. However, without more detailed analysis, it is not possible to determine whether the proposed measures are sufficient to reduce the identified impacts to a level where they could be considered not to result in a significant effect on the identified European sites. Overall, there is the potential for permanent impacts which could be at a sufficient level to be considered significant. As such, a full appropriate assessment of the implications for the identified European sites is required before the scheme can be authorised.

#### Test 2: an appropriate assessment of the implications of the development for the identified European sites in view of those sites' conservation objectives

The analysis below constitutes the city council's assessment under Regulation 61(1) of the Habitats Regulations

The identified potential effects are examined below to determine the implications for the identified European sites in line with their conservation objectives and to assess whether the proposed avoidance and mitigation measures are sufficient to remove any potential impact.

In order to make a full and complete assessment it is necessary to consider the relevant conservation objectives. These are available on Natural England's web pages at <http://publications.naturalengland.org.uk/category/6528471664689152> .

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

Ramsar sites do not have a specific conservation objective however, under the National Planning Policy Framework (NPPF), they are considered to have the same status as European sites.

### **TEMPORARY, CONSTRUCTION PHASE EFFECTS**

The designated sites are all located a substantial distance away from the development site and are therefore outside the zone of influence of construction activities. As a consequence, there will be no temporary, construction phase effects.

### **PERMANENT, OPERATIONAL EFFECTS.**

#### **New Forest SPA/Ramsar site**

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

The application site is located 5.4km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, students resident in the proposed development would fall into the category of non-local day visitors.

#### **Characteristics of visitors to the New Forest**

In addition to visitor numbers, the report, "Changing patterns of visitor numbers within the New Forest National Park", 2008 also showed that:

- 85% of visitors to the New Forest arrive by car.
- 23% of the visitors travelling more than 5 miles come from the Southampton/Eastleigh area (see para 2.1.1).
- One of the main reasons for visiting the National Park given in the 2005 Visitor Survey was dog walking (24% of visitors - Source New Forest National Park Visitor survey 2005).
- Approximately 68% of visitors to UK National Parks are families.  
(Source: [www.nationalparks.gov.uk](http://www.nationalparks.gov.uk)).

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. Whilst students may fall within the first two of the above bullet points they are unlikely to have dogs or visit as part of a family group.

### **Occurrence of students**

The peak period for visitor numbers in the New Forest National Park is the summer, Sharp, J., Lowen, J. and Liley, D. (2008), which also coincides with the critical breeding period of woodlark, nightjar and Dartford Warbler which are features of interest of the New Forest SPA. Although students would be able to remain in occupation within their accommodation throughout the year (tenancies would be for a complete year) many, particularly undergraduates, will vacate their accommodation and return home over the summer period.

There is no direct evidence of the extent to which students contribute to visitor numbers to the New Forest National Park. However, the characteristics of typical visitors to the New Forest are consistent with an analysis of visitors to the North York Moors National Park in 2002 which showed that skilled manual workers, poor retired couples, young single parents and students were more likely to use the local Moorsbus Network but were poorly represented in surveys at car parks (Countryside Recreation News April 2002, "Missing Persons - who doesn't visit the people's parks". Bill Breaker).

It would therefore be reasonable to conclude that there are likely to be very low numbers of students visiting the New Forest, particularly during the sensitive summer period.

### **Car ownership and accessibility**

Data gathered as part of the visitor survey undertaken by Footprint Ecology in 2008 clearly indicated that the majority of visitors travel to the New Forest by car. The proposed development will not have any private car parking spaces available for students and it is a condition of their tenancy agreement that students are not allowed to bring their own cars. This would be enforced by termination of the letting agreement. Facilities at the proposed development will be limited to just 8 car parking spaces, including 2 disabled spaces which are short stay spaces linked to the retail element of the development. In addition, the area around the development is subject to parking restrictions and students will not be able to obtain parking permits. On this basis the development can reasonably be described as car free.

Car parking on the campuses of both universities is very limited. Solent Southampton University (SSU) does not have any on campus parking whilst the University of Southampton (UoS) is seeking to further reduce levels of car use from the current 4.6% down to 4.2% by 2015 (UoS Travel Plan)

Students will therefore be expected to travel around Southampton on foot, bicycle and public transport. To support this the development will provide:

- No parking spaces, apart from two disabled spaces, will be provided within the proposed development;
- 130 secure cycle parking spaces;
- A restrictive tenancy barring students from bringing their own cars. Breaching this clause will result in termination of the tenancy.
- Pedestrian route information, cycle route maps and public transport information;
- a leaflet highlighting recreational and sports resources in the vicinity of the site will be distributed to new residents;
- A tenancy clause barring the keeping of pets.

The Planning Statement highlights the site's close proximity to city centre facilities and to bus and train connections, all of which reduce the need for students to have cars. Uni-link bus stops located less than 100m from the development enable travel to the University of Southampton's Avenue and Highfield campuses, whilst another, approximately 450m to the south, enables travel to the General Hospital. The site is therefore highly accessible to residing students.

The high level of accessibility and the lack of parking mean that it is very unlikely that the residents have access to cars.

### **Recreation options for students**

Students at both universities have extensive opportunities to access sports and recreational facilities and are positively encouraged to make use of these. Details of the UoS facilities can be found at the following web address:

[http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads\\_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf](http://www.southampton.ac.uk/assets/imported/transforms/content-block/UsefulDownloads_Download/67A7C84E3D424F08B28A6E76CADD46E5/2015-16%20Sport%20and%20Wellbeing%20Brochure.pdf) . Solent University has two major sports centres in the city centre, extensive playing fields at Test Park Sportsground, Fitness Centres and access to a range of local sports clubs and recreational facilities (details available on SSU) website <http://www.solent.ac.uk/sport/facilities/facilities-home.aspx> ).

In addition, Southampton benefits from an extensive network of common land, green corridors, city and district parks and local green spaces, which provide opportunities for quiet recreation of the type available to visitors to the New Forest. In particular, the Central Parks are located on the southern side of Cumberland Place whilst Southampton Common, a 125 hectare natural green space in the heart of the city, is only 20 minutes walking distance from the application site. Just to the north of the Common lie the Outdoor Sports Centre, Southampton City Golf Course, and the Alpine Snow Centre which provide opportunities for organised and informal recreation activities. Outside the city centre are the Greenways, a series wooded stream corridors which connect a number of open spaces. The four most significant of these, Lordswood, Lordsdale, Shoreburs and Weston, are within easy cycling distance of the development site and provide extended opportunities for walking and connections into the wider countryside.

The road network close to the application site is suitable for cycling. Figure 1 below is an extract from the Southampton Cycle Map which demonstrates that to the north of the development it is possible to cycle along quiet roads to access the cycleway that runs along the Avenue directly to the University of Southampton campuses.



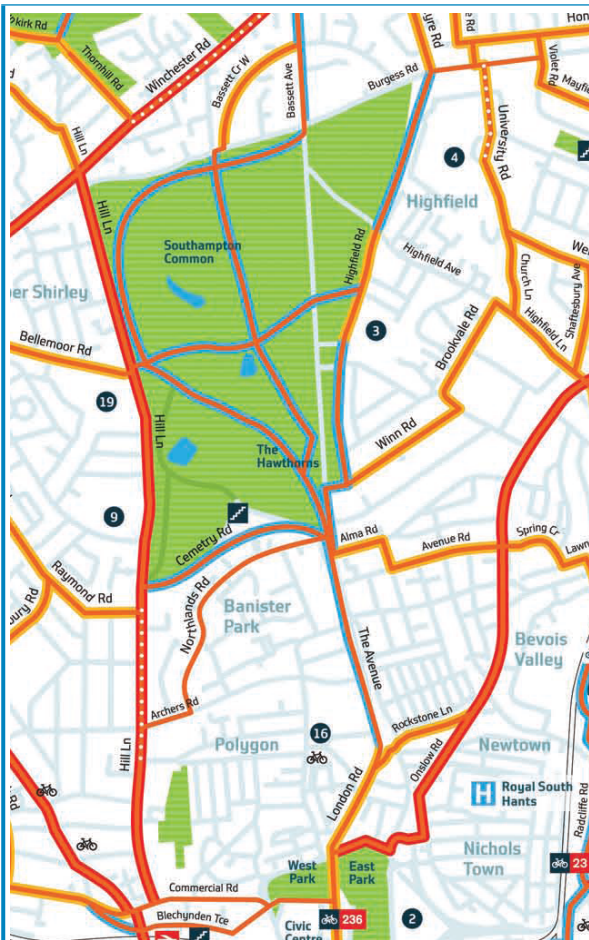


Figure 1

These cycle routes link the development site with Southampton Common (1.5km) and National Cycle Route 23 which passes through Southampton. It is reasonable to expect that students will make use of the many leisure activities and commercial centres of Southampton.

Just outside the city boundary, to the north-east, are the Itchen Navigation (6.6km) and Itchen Valley Country Park (7.8km). These sites provide opportunities for informal recreation in a 'countryside' type environment and can be readily accessed by bicycle.

The Transport Statement highlights the close proximity of the development to two cycle routes one of which connects Southampton to Lyndhurst. Route 236 runs from Southampton via Totton to Ashurst at which point it reaches the boundary of the New Forest. Following this route would result in a distance of approximately 11.3km from the development site to the boundary of the New Forest sites. Continuing on to Lyndhurst, which forms a focal point of the New Forest, would involve a trip of 15.3km. As detailed in the Transport Statement, the average length of a cycle trip is around 4km and therefore the distance between the site and the boundary of the New Forest designated sites is almost three times this distance. Whilst it is not considered possible to rule out cycle trips to the New Forest sites by new residents, it is considered that any such visits would only be made by a competent cyclist on an occasional basis and would be highly unlikely to result in regular trips from the development site.

In addition, any cycling visitors would likely access the New Forest along existing roads, formalised tracks and designated cycle routes which are less likely to result in disturbance to nesting birds or damage to sensitive habitats.

The availability of good quality and accessible open space described above, combined with sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.

### Visiting the New Forest National Park using public transport

The linear distance to New Forest SPA/Ramsar site is approximately 5.4km however, by road the distance is somewhat longer. The shortest route, using the Hythe Ferry, is 7.8km whilst the closest section when travelling purely by road is approximately 11km. It is unlikely, therefore, that visits made on foot or by bicycle will be a frequent occurrence.

Should students choose to visit the National Park using public transport they are unlikely to find it a straight forward proposition. Direct travel from the development site to the designated areas is not possible. Travelling from Southampton city centre, the destinations for train and bus services are the urban centres which, aside from Beaulieu Road, lie outside the New Forest SPA/Ramsar site. Once at these locations further travel is required to reach the designated site. Table 1 below provides details of the train services available from Southampton Central Railway Station.

**Table 1 Train services from Southampton Central to New Forest Locations**

| Destination   | Service frequency (outside of peak hours)    | Journey time |
|---------------|--|--------------|
| Ashurst       | 1 service per hour                           | 10 mins      |
| Beaulieu Road | 6 services between 0900- 1800                | 14 mins      |
| Lyndhurst     | No service                                   |              |
| Brockenhurst  | 4 services per hour                          | 16 mins      |
| Lymington     | 2 services per hour (change at Brockenhurst) | 20 mins      |
| Burley        | No service                                   |              |

The only direct bus service from Southampton to the locations in the New Forest identified above is the Bluestar 6 service which runs hourly from the city centre (during the day) to Lyndhurst, Brockenhurst and Lymington taking 30-40 minutes. Other services are available throughout the National Park from those locations.

Clearly, whilst it is possible to reach the designated site from the proposed halls of residence the process is complicated and likely to be costly. It is therefore reasonable to conclude that there are only likely to be a very small number of visits as a consequence.

### Conclusions

The evidence provided suggests that students comprise a small proportion of visitor to the New Forest and that, as a visitor destination, the New Forest is most attractive to dog walkers and/or families that have access to a car.

Students resident within the new accommodation will not be permitted to keep dogs and will not be present with their families. In addition, the development will be designed in such a way as to stop students bringing their cars with them. Finally, the wide range of recreation and sports facilities available to students are closer to the development and easier and cheaper to access than the New Forest. As a consequence, it is very unlikely that students will make trips to the



New Forest designated sites and will not therefore contribute to increased recreational disturbance,

### **Solent and Southampton Water SPA/Ramsar site**

In 2008 the Council adopted the Solent Disturbance Mitigation Project in collaboration with other Councils within the Partnership for Urban South Hampshire in order to mitigate the effects of new residential development on the Solent and Southampton Water SPA. This enables financial contributions to be made by developers to fund appropriate mitigation measures.

The proposed student accommodation will result in a net increase in the population of the city and thus lead to significant impacts on the Solent and Southampton Water SPA. However, due to the characteristics of this type of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird mortality, will be less than C3 housing. The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead<sup>1</sup>. As such, it is considered that the level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of C3 housing.

Assuming a typical 3 bedroomed house can accommodate 5 students, for the purposes of providing SPA mitigation, five study bedrooms will therefore be considered a unit of residential accommodation.

The calculation to establish the level of the mitigation package required is as follows:

$$\frac{S}{5} \times \frac{174}{2}$$

S = number of study bedrooms

$$\frac{507}{5} \times \frac{174}{2} = 101.4 \times 87 = \text{£}8822$$

It is considered that, subject to a level of mitigation, which has been calculated as £8822, being secured through a legal agreement, appropriate and effective mitigation measures will have been secured to ensure that effects associated with disturbance can be satisfactorily removed. The applicant has agreed to enter into a legal agreement to this effect.

<sup>1</sup> See paragraph 3.15 of the Solent Disturbance and Mitigation Project Phase II bird disturbance fieldwork

Conclusions regarding the implications of the development for the identified European sites in view of those sites' conservation objectives

### **Conclusions**

The following conclusions can be drawn from the evidence provided:

- Residents of the new accommodation will not have access to cars.
- The availability of open space, sport and recreation facilities at both universities reduces the likelihood that students would travel to the New Forest for recreational purposes.
- Evidence suggests that low car and dog ownership amongst students contributes to the relatively low proportion of students in the make-up of visitor numbers to the New Forest.
- Access to New Forest locations by students living at the proposed development would be

complicated and costly especially when compared to the availability of alternative recreational activities.

The following mitigation measures have been proposed as part of the development:

- No parking spaces, apart from two disabled spaces, will be provided within the proposed development.
- The development will incorporate 130 secure cycle parking spaces.
- A restrictive tenancy barring students from bringing their own cars will be used. Breaching this clause will result in termination of the tenancy.
- Information on public transport and pedestrian and cycle route maps will be provided.
- A leaflet highlighting recreational and sports resources in the vicinity of the site will be distributed to new residents.
- A tenancy clause barring the keeping of pets.
- A contribution of £8822 for the Solent Recreation Mitigation Project.

As such, visitor pressure on European and other protected sites in the New Forest arising from the proposed development is likely to be extremely low and it can therefore be concluded that, subject to the implementation of the identified mitigation measures, **significant effects arising from recreational disturbance will not occur.**

## European Site Qualifying Features

### The New Forest SAC

The New Forest SAC qualifies under the following criteria:

Annex I habitats that are a primary reason for selection of this site

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- Depressions on peat substrates of the *Rhynchosporion*
- Atlantic acidophilous beech forests with *Ilex* and sometimes also *Taxus* in the shrub layer (*Quercion robori-petraeae* or *Ilici-Fagenion*)
- *Asperulo-Fagetum* beech forests
- Old acidophilous oak woods with *Quercus robur* on sandy plains
- Bog woodland
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site

- Transition mires and quaking bogs
- Alkaline fens

Annex II species that are a primary reason for selection of this site

- Southern damselfly *Coenagrion mercurial*
- Stag beetle *Lucanus cervus*

Annex II species present as a qualifying feature, but not a primary reason for site selection

- Great crested newt *Triturus cristatus*

### **The New Forest SPA**

The New Forest SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Dartford Warbler *Sylvia undata*
- Honey Buzzard *Pernis apivorus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*; and

Overwintering population of European importance of the following migratory species:

- Hen Harrier *Circus cyaneus*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting breeding populations of:

- Hobby *Falco subbuteo*
- Wood warbler *Phylloscopus sibilatrix*

### **New Forest Ramsar Site**

The New Forest Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.
- Ramsar criterion 2: The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.
- Ramsar criterion 3: The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

### **Solent and Southampton Water SPA**

Solent and Southampton Water SPA qualifies under Article 4.1 of the Birds Directive by supporting breeding populations of European importance of the following Annex I species:

- Common Tern *Sterna hirundo*
- Little Tern *Sterna albifrons*
- Mediterranean Gull *Larus melanocephalus*
- Roseate Tern *Sterna dougallii*
- Sandwich Tern *Sterna sandvicensis*

The SPA qualifies under Article 4.2 of the Birds Directive by supporting overwintering populations of European importance of the following migratory species:

- Black-tailed Godwit *Limosa limosa islandica*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Ringed Plover *Charadrius hiaticula*
- Teal *Anas crecca*

The SPA also qualifies under Article 4.2 of the Birds Directive by regularly supporting at least 20,000 waterfowl, including the following species:

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*

- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas Penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

### **Solent and Southampton Water Ramsar Site**

The Solent and Southampton Water Ramsar site qualifies under the following Ramsar criteria:

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343
- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

# Agenda Item 6

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 19 January 2016 (East)  
Planning Application Report of the Planning and Development Manager**

|   |  |                             |  |
|---|--|-----------------------------|--|
| <b>Application address:</b><br>Land in The Eastern Docks at Trafalgar Dry Dock and adjoining land, Platform Road  |  |                             |  |
| <b>Proposed development:</b><br>1) Relocation and consolidation of Red Funnel facilities to Trafalgar Dock, including demolition of and works to listed structures and fixtures/fittings, construction of a ferry terminal building of 2,123 sqm (GIA), a marshalling area for the queuing of ferry traffic with a four level decked car park above to replace existing surface parking and car storage, new vehicular, cycle and pedestrian access arrangements, including bus stops and a drop off and pick up area, a storage and operational area and associated infrastructure including two electricity sub-stations, a foul pumping station, gantries and marine-related infrastructure (Environmental Impact Assessment development).<br><br>2) Listed Building Consent sought for demolition of the above ground structure of the pump house and erection of a new ferry terminal building above the pump well. New ramped structure within the dry dock to provide access to a multi-deck car park with associated works. |  |                             |  |
| <b>Application numbers</b>  | 1) 15/00408/FUL<br>2) 15/00409/LBC   | <b>Application type</b>     | 1) FUL<br>2) LBC                       |
| <b>Case officer</b>   | Richard Plume  | <b>Public speaking time</b> | 15 minutes                             |
| <b>Last date for determination:</b>   | 05.02.2016 (Agreed extension of time)  | <b>Ward</b>                 | Bargate                                |
| <b>Reason for Panel Referral:</b>   | Referred by the Planning and Development Manager due to strategic importance | <b>Ward Councillors</b>     | Cllr Bogle<br>Cllr Noon<br>Cllr Tucker |
| <b>Called in by:</b>  | N/A  | <b>Reason:</b>              | N/A                                    |

|   |                                    |
|---|------------------------------------|
| <b>Applicant:</b> RPW (Southampton) Limited | <b>Agent:</b> Terence O'Rourke Ltd |
|---|------------------------------------|

|                               |  |
|-------------------------------|--|
| <b>Recommendation Summary</b> | <p><b>1) That the Panel confirm the Habitats Regulations Assessment in Appendix 3 to this report.</b></p> <p><b>2) Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.</b></p> <p><b>3) Delegate to Planning and Development Manager to grant listed building consent subject to conditions.</b></p> |
|-------------------------------|--|

|   |   |
|---|---|
| <b>Community Infrastructure Levy Liable</b> | <b>No - on the basis that the proposed cafe use would be ancillary to the ferry terminal use.</b> |
|---|---|

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The Council has taken into account the findings of the Environmental Statement and other background documents submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The Council accepts the methodology used in the Environmental Statement and its conclusions and is satisfied that the development can be controlled through planning conditions. A Habitats Regulations Assessment has been undertaken and the Council endorses its findings. The Council has also considered the significant regeneration benefits associated with the development. The Council has considered the impact of the development on the setting of the adjoining conservation area and listed buildings and found the impact to be acceptable. The Council is satisfied that the transport impact of the development can be satisfactorily mitigated through obligations within the Section 106 agreement. Other material considerations do not have sufficient weight to justify a refusal of the application. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies SDP1, SDP4, SDP5, SDP9, SDP10, SDP11, SDP12, SDP13, SDP15, SDP16, SDP17, SDP22, NE4, NE5, CLT10, CLT11 and TI2 of the City of Southampton Local Plan Review (amended 2015).

CS1, CS3, CS6, CS9, CS12, CS13, CS14, CS18, CS19, CS20, CS22, CS23, CS24 and CS25 of the City of Southampton Core Strategy (as amended 2015).

AP1, AP4, AP14, AP15, AP16, AP17, AP18, AP19 and AP23 of the City Centre Action Plan (March 2015).

|                          |                                 |   |                         |
|--------------------------|---------------------------------|---|-------------------------|
| <b>Appendix attached</b> |                                 |   |                         |
| 1                        | Development Plan Policies       | 2 | Transport Team Comments |
| 3                        | Habitats Regulations Assessment |   |                         |

**Recommendation in Full**

1. That the Panel confirm the Habitats Regulations Assessment in Appendix 3 to this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions, or direct works towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy

(as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) to include the following:

- a. alterations to the Dock Gate 5 access and associated works including pedestrian and cycle works to provide for wider left turn lanes;
  - b. alterations to highway movements at Orchard Place;
  - c. the applicant paying for the necessary Traffic Regulation Orders;
  - d. measures for introducing traffic controls on the internal port road network in connection with the works and to manage efficient movements of Red Funnel and other traffic including connection to SCC traffic systems and CCTV;
  - e. measures for ensuring appropriate drop-off facilities at the new terminal building including taxi rank provision and other stopping and waiting facilities;
  - f. measures to ensure the site is adequately connected to public transport facilities;
  - g. provision of measures for pedestrians and cycles to access the terminal facilities including along the terminal access road, the shared pedestrian/cycle link from Platform Road and management of pedestrians and cyclists crossing in front of the ferry ramps and vehicles disembarking.
- ii. Provision of, and maintenance of public access to, the waterfront footpath in perpetuity.
  - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - v. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with Policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
  - vi. Provision of Public Art in accordance with the Council's Public Art Strategy.
3. Delegate to the Planning and Development Manager to grant listed building consent with conditions to be determined by officers.
  4. In the event that the legal agreement is not completed within two months of the Panel the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
  5. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning permission

being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

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

- 1.1 The application site comprises approximately 7.8 hectares of land and water within the Eastern Docks near the newly improved and widened Dock Gate 5. The land area is 3.7 hectares with some 4 hectares of water area. The site includes Trafalgar Dry Dock, a Grade II listed structure and ABP Berth 50. A significant part of the former dry dock has been infilled and is used, as is the adjoining land, for surface level car parking for cruise passengers and in connection with other dock related uses including the import/export of vehicles through the port.
- 1.2 The immediate surroundings of the application site are predominantly commercial and port related in character. To the east of the site is operational port land including the Ocean Cruise Terminal and associated vehicle parking. To the north-west are four-storey office buildings with surface level car parking which adjoins the Triangle and Marina car parks. The nearest adjoining residential properties are to the north on Lower Canal Walk, and to the north-east at Admiralty House, Platform Road which is a Grade II listed building. The application site is not within a conservation area, although the northern extent of the site directly adjoins the Canute Road Conservation Area and forms part of its setting.

## **2. Proposal**

- 2.1 The application proposes the relocation of the Red Funnel ferry terminal from its current location at Royal Pier and Town Quay to this site. All the current ferry facilities, the vehicle ferry, 'Red Jet' and Hythe ferry facilities would be moved to this site. The proposed new terminal building would be at the southern end of the site. This would be a 2-storey building of 2,123 square metres floorspace and would include various facilities: at ground floor level terminal operations, contact centre, ticketing, help desk, cafe, seating and queuing areas etc; at first floor level Red Funnel offices, meeting rooms etc. There will also be an external viewing platform and a festival queuing area. The proposed external materials are intended to complement that of the adjoining Ocean Terminal building with the use of profiled metal rainscreen cladding, powder coated metal louvres, powder coated aluminium doors and windows.
- 2.2 The planning application has been amended since it was first submitted. The most significant change is in relation to the proposed multi-storey car park. As originally proposed the multi-deck had two levels above the Red Funnel marshalling yard and a single deck over the whole of the former dry dock. As amended, the multi-deck car park is confined to the area above the marshalling yard in a four deck structure rather than partly within the dry dock. The access arrangements are via a spiral access ramp in the north-east corner of the car park. The maximum height of this ramp structure would be 7.95 metres (12.05 m AOD). The maximum height of the car park would be 18.15 metres (22.25 m. Above Ordnance Datum (AOD) with the lift cores extending up to 22.05 metres 26.15 metres (AOD).
- 2.3 The main site access for Red Funnel traffic will be via a new signalised junction off the existing Ocean Terminal access road from Dock Gate 5. The new highway will be



one entry lane and two exit lanes. The queuing arrangements will be a four lane zone that will allow access to the marshalling yard after passing through the ticket booths. Two small electricity substations are proposed at either end of the multi-deck car park. The car park will be accessed via the existing Ocean Terminal access at Dock Gate 4. All traffic leaving the multi-deck car park will exit via Dock Gate 5. The privately owned vehicular access from Platform Road which serves the slipway into the marina will be retained and improved. There would be no new car parking for Red Funnel staff or visitors; the adjoining 'Triangle' car park will continue to provide car parking for users of the ferry services.

- 2.4 In terms of pedestrian access to the terminal building this would be alongside the new access road and there would be a new shared footway/cycleway along the edge of the quayside between Platform Road and the ferry terminal building. This footway would be a minimum width of 3 metres where it adjoins the Red Funnel operational compound. There would be three wider 'layby' areas containing seating and the walkway will be 6 metres wide at its southern end.
- 2.5 The application also includes alterations to the marine environment with new berthing facilities, new linkspan structures, additional dredging and piling works and the demolition of two dolphins. These works are subject of an application for a marine licence submitted to the Marine Management Organisation which is an agency of central government (Defra). This part of the waterfront currently accommodates the historic vessel MV Calshot. The application does not make arrangements for retaining this vessel which would be removed to make way for the new Red Funnel berths.
- 2.6 The application is accompanied by an Environmental Statement which assesses the impact on both the terrestrial and marine environment. The impact of the proposal is considered under various topic headings: estuarine processes; marine and terrestrial ecology; contamination; water quality; flood risk and drainage; landscape, townscape and visual effects; heritage; traffic and transport; noise and vibration; air quality and navigation.
- 2.7 There is a separate application for listed building consent (reference 15/00409/LBC). This application proposes demolition of the above ground structure of the pump house; the erection of a new ferry terminal building above the pump well; and the new ramped structure within the dry dock to provide access to the multi-deck car park.

### **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord

with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

- 3.4 Site Policy AP23 (Royal Pier Waterfront) in the City Centre Action Plan is relevant to this application. Although this site is outside the boundary of the Royal Pier Waterfront site allocation, the relocation of the Red Funnel services is a pre-requisite of this larger scale redevelopment project. Policy AP23 recognises that the ferry services occupy a key position between Royal Pier and Town Quay. The policy states that to deliver a comprehensive scheme and maximise the potential of the site, the ferry facilities should be relocated to an alternative position preferably within the Port.

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

- 4.1 Trafalgar Dry Dock was constructed in 1905 and enlarged in 1913 and 1922. From 1924 onwards the larger Cunard liners began to be serviced by a large floating dock and after 1933 by the King George V Graving Dock. The Dry Dock was listed as a building/structure of special architectural and historic interest in 1988 for its connection with the earlier ocean going liners.
- 4.2 In 1999 listed building consent was granted on appeal for filling in the dry dock with dredged material.
- 4.3 In 2008, listed building consent was granted for various alterations around the dry dock in connection with the proposed Ocean Terminal to be constructed on the adjoining land (reference 08/00940/LBC).

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures and the Environmental Impact Assessment Regulations was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (27.03.2015) and erecting a site notice (27.03.2015). At the time of writing the report 6 representations have been received from surrounding residents. The following is a summary of the points raised:

**The previous proposal was acceptable but the revised application is an ugly monster of a car park and a terrible blot on the landscape of the Town Quay area of Southampton. The height of the structure is the equivalent of a 7-storey building due to the marshalling yard for HGV's at ground level. Southampton has very few world class views to be proud of but the one from Queens Park and the surrounding flats and the shipping in Southampton Water is one of the best. The proposed car park would obliterate this view to the detriment of residents and the many visitors who walk through this area. A better solution is possible if people work harder at it. Approval of this development would set a dangerous precedent for other developments around the park. It would be more sensible to make all the surface car parking double storey, thus doubling the number of cars able to park without any obstruction of views.**

#### Response

The new car park would be a significant structure measuring some 105 metres x 65 metres and 18 metres in height. As it would be constructed on what is currently an

open part of the docks it would be a highly visible structure. There are several multi-deck parking structures within other parts of the eastern docks so this would not be out of character with the area. These other multi-decks have been carried out by ABP under their 'permitted development' rights and a similar structure could be built here without the need for planning permission were it not that other aspects of this development are EIA development. Other options have been considered for providing sufficient space for the necessary car parking but these options were considered to be unacceptable for heritage reasons and resulted in the amendments being made to the application. There is no private right to a view from adjoining properties.

- 5.2 **Pollution due to excessive transport, including lorries, cars and other public vehicles needs to be taken into account as the emissions into the atmosphere and the additional noise local residents and local communities will experience is totally unacceptable. This does not even include the normal cruise traffic when cruise ships are in port. There are major delays on the dual carriageway now, which will only become unnecessarily worse. Local residents have had to put up with two years of disruption while Platform Road was redeveloped and this proposal will make the situation worse. The ferry terminal should be located elsewhere in the city.**

Response

Traffic levels are high along Platform Road but it should be borne in mind that this proposal is for the relocation of existing ferry facilities from its current Town Quay/Royal Pier location to this new site; it is not a totally new development for the city. The car parking numbers for the cruise industry and general port use are quite similar to the existing, but configured in a different way to improve the ease of use.

- 5.3 **The proposed development would be extremely detrimental to the environmental aspect of the area which would be greatly affected, including sealife and the general wellbeing of local residents and members of the public.**

Response

The application is accompanied by a comprehensive Environmental Statement (ES) as required by the Environmental Impact Assessment Regulations. The ES assesses the impact on marine and terrestrial issues. The planning application and an application for a marine licence were submitted at the same time and discussions have been held with the Marine Management Organisation (MMO). As the ecological impact is more relevant to the marine environment, the MMO have prepared the necessary Habitats Regulations Assessment which is appended to this report. No Ecology objection has been raised.

- 5.4 **The former Red Funnel tug/tender 'MV Calshot' was originally incorporated but now does not appear on the site plan. This was to have formed part of the visitor attractions to the site, bringing in people who may not be travelling on the ferries, but who would make use of the Red Funnel facilities, for example the cafe. With the repositioned maintenance berth there appears to be no site for this historic vessel. It is pleasing to note that some of the listed bollards and keel blocks will be relocated around the Red Funnel site. The amended application seems to have proposed demolition of a third dolphin which was not part of the original application. This dolphin is associated with the former**

**flying boat terminal and, although not listed, is of considerable heritage significance.**

Response

See the comments of the Council's heritage team in paragraph 5.20 of this report. There are no planning controls precluding moving of the Calshot vessel. The application has been amended on two occasions and the application now proposes to remove only two of the dolphins. The retention and installation of the bollards and keel blocks will be secured through the listed building consent.

- 5.5 **The original application showed Hythe Ferry using the Red Jet facility, but there is nothing on the revised plan to indicate that White Horse Ferries will be included**

Response

The application drawings do include a berth for the Hythe ferry.

- 5.6 **White Horse Ferries** (operator of the Southampton - Hythe ferry) - have a number of concerns:

- foot passengers who walk to work, shop or simply visit Southampton will have a greater distance to travel which may discourage use;
- passengers wishing to access bus services will have to cross in front of vehicles boarding or alighting Red Funnel car ferries;
- there will be conflict with the Red Funnel car ferry service which arrive and depart around the same time. The conflict between the two services attempting to manoeuvre into their berths at the same time will cause delays and impact on the reliability of the service;
- other than a simple bus type shelter there are no passenger facilities proposed for Hythe ferry passengers.

Response

The Hythe ferry currently has the benefit of sharing the facilities with the Red Jet services at Town Quay. That would no longer be the case and it is correct that all the ferry services would be a little further from other facilities in the city centre. However, it is intended that the CityLink bus service would continue to service the new ferry facilities. Any disadvantages to users of the Hythe Ferry has to be balanced against the overall benefits of the Royal Pier Waterfront project of which this application is an essential first step.

- 5.7 **Associated British Ports** - (comments on the application as originally submitted in March) whilst ABP is supportive in principle of the Royal Pier development, the proposed relocation of Red Funnel to the Eastern Docks will place considerable pressure on ABP and its existing customers within this part of the Port. ABP objects to the application due to concerns about traffic and transport and pedestrian access. ABP does not consider that it is currently possible to fully determine what the impacts on the Port and its access will be. The applicant will need to carry out further work on traffic matters, including a safety audit, an analysis of the Dock Gate 5 road layout and analysis of port demand/growth projections.

- 5.8 In terms of pedestrian access, the walkway between the new terminal and Platform Road is shown as being 6 metres wide. This will result in consequential impacts on the proposed layout, design and operation of the ferry terminal: with a restriction on the area available to turn HGV traffic; a restriction in the operational storage and handling area for freight business with a reduction in the efficiency of managing embarkation of vehicles.
- 5.9 ABP are therefore not satisfied that the proposal in its current form is acceptable in traffic and transport terms in respect of both the current and future operations of the Port. (A subsequent letter from ABP received in December stated that there are a number of significant issues still to be resolved, in particular the design proposals for the multi-storey car park and Dock Gate 5).

#### Response

These comments were made several months ago and the application has been amended in an attempt to address these concerns. A verbal update will be provided at the Panel meeting. The pedestrian walkway has been reduced in width to 3 metres over the majority of its length. A detailed highways response is attached at Appendix 2.

- 5.10 **Carnival UK** - (Comments on the application as originally submitted). The majority of the application site is land leased from ABP to Carnival UK under a 20 year agreement which runs until March 2030. The land is critical to Carnival's continued cruise operations within the Eastern Docks at both the Ocean and Queen Elizabeth II cruise terminals. In 2015 the Carnival Group has 281 cruise vessels calling in Southampton with approximately 1.3 million cruise passengers embarking, disembarking or in transit. This activity makes a significant contribution to the regional economy. Carnival UK is also a significant local employer with more than 1,300 staff based at the Southampton office.
- 5.11 Carnival have two principal concerns. Firstly, the loss of this land will require the provision of suitable replacement facilities immediately adjacent to the Ocean Terminal. Providing a suitable replacement facility is provided at no cost to Carnival, this may satisfy concerns regarding loss of the existing parking. Secondly, concerns about traffic management and potential traffic congestion at peak times at both Dock Gate 5 and the wider city traffic network. These problems are inevitable at peak times with the existing road layout and this will need to be amended to mitigate such congestion. The current road layout on exit from Dock Gate 5 prevents safe two lane traffic when any HGV is occupying one lane and this should be amended by easing the turn radii to keep two left hand turns available at all times, particularly during traffic peaks.
- 5.12 In addition, Carnival have requested additional traffic modelling to take account of latest peak time traffic forecasts. This modelling should include situations where two cruise ships of 4,000 passenger capacities are in port as well as peak time relocated ferry traffic and other eastern dock peak rail, lorry and transporter traffic.

#### Response

The applicant, ABP and the Council's Transport Team have been working to address these issues for several months and the application has been amended to address some of these concerns. A verbal update on the current position will be provided at

the Panel meeting.

- 5.13 **Councillor Bogle** - there is no objection to the relocation of the Red Funnel Terminal as this is essential to the Royal Pier project but representations have been made about the proposed multi-storey car park which will block views of the waterfront. It is not clear why this structure is needed given that the existing terminal just has a waiting area for vehicles.

#### Response

The car parking provision is to replace that existing on site which is used for short and long-term cruise parking and other port related uses including import/export of vehicles through the port. It is not for use by Red Funnel passengers.

#### **Consultation Responses**

- 5.14 **SCC Highways** - This application has been the subject of considerable discussion and amendments since it was first submitted. The detailed comments of the Council's Transport Team are given in full in Appendix 2 to this report. These comments address the impact on the adjacent highway network, public transport, pedestrian and cycle accessibility and mitigation issues. The overall conclusion is that the highways authority has no objection to the application subject to addressing the appropriate points and undertaking mitigation works which can be secured through the Section 106 agreement.
- 5.15 **SCC Sustainability Team** – The development is targeting BREEAM 'Very Good' with an overall score of 68.96% (70% is required for Excellent). All 'Excellent' mandatory credits for BREEAM have been targeted, including a minimum 25% improvement in CO2 emissions. The applicants state that the nature of use and the site impose restrictions to achieving 'Excellent'. For example, a number of credits relating to flooding and indoor air quality are unobtainable due to the close proximity to the waterfront and the necessary location of car parking and ships. The applicants state that such an approach will not set a precedent in Southampton, as this is a bespoke building, with very particular requirements, that necessitate a bespoke approach and energy solution. However, it is felt that the additional 1.04% that is needed to be met could be sought and it has not been satisfactorily justified for all the additional credits why they cannot be met. It is therefore recommended that BREEAM Excellent is conditioned if the application is approved. However if the case officer seeks alternate conditions it is vital that the mandatory individual credits for Excellent are secured and as high as possible overall score is also secured.
- 5.16 The development will be designed based on a Fabric First Principle with thermally efficient fabric and low air permeability design. Glazing and solar protection will be selected to help maximise the buildings natural day lighting capabilities as well as reduce the effects of solar overheating. The key building form feature that contributes towards a sustainable design includes the utilisation of the open plan terminal area, which uses cross ventilation, therefore minimising overheating during the summer. The use of high windows will help natural daylight reach all areas therefore minimising the use of artificial lighting.
- 5.17 The consultants recommended that a 25kWp (circa 250m<sup>2</sup>) Photovoltaic (PV) array is installed together with Air Source Heat Pumps (ASHP) to deliver the heating, hot water and cooling demand of the Terminal Building. The proposed array will generate

about 23% of the total electricity demand of the building and will therefore meet the mandatory BREEAM Energy credits. The PV panels will be mounted on the south-facing roof of the proposed terminal building to maximise the suitability and efficiency of the site. Due to the PV panel being mounted on the roof, the land use of the building will remain unchanged which is very important due to the limited land space available. Payback of the PV system is estimated to be 6 years. Under-floor heating shall be used in all areas which do not have comfort cooling as it will free up wall space and provide an even heat throughout each room, this will be especially effective in the large open plan terminal area. Under-floor heating is ideally suited for low grade heating sources and therefore could be used in conjunction with an ASHP to deliver an efficient low carbon solution.

### Response

The applicant is addressing these comments and a verbal update will be provided at the meeting.

- 5.18 **SCC Heritage Team** – While it is clear that considerable progress has been made to resolve the issues raised at the initial application stage (the redesign of the multi-deck car park is particularly welcome), there are still a number of issues that need to be resolved. Some of these can be dealt with through appropriate additional conditions, but some will require further work pre-determination before the scheme can be wholly supported. I agree with the applicants that the impact of the revised proposals when seen from the Canute Road and Old Town Conservations Areas, while significant, are indicative and consistent with that of a working dock. While there is harm I do not consider that the harm cannot be mitigated by a combination of creating greater access to the waterfront, plus design of the buildings and interpretation of the Dry Dock and associated features. More problematic is the impact on the conservation areas and associated designated and undesignated heritage assets of the view from Town Quay. Clearly from this viewpoint the impact of the buildings will be significant, although I believe that the addition of ferries using the terminal would provide a greater understanding of the dock-based activities. As above, I believe that the harm is capable of mitigation.

- 5.19 Dolphins.

The initial application showed the removal of two of the four dolphins to the west of the site. This was (and is) supported. The dolphins were associated with the floating dock, with the two northernmost ones being also associated with the BOAC flying boats in the late 1940s. While all four are undesignated heritage assets, it has been made clear on numerous occasions that the two northernmost dolphins are of greater heritage significance than the others.

- 5.20 MV Calshot.

The scheme also proposes the removal of the MV Calshot from its current mooring. The Calshot is a part of the National Historic Fleet, and while not covered by any formal designation remains an important heritage asset, and an important part of the history of the city. Information should be provided regarding any new berth proposed for the vessel to ensure its future viability, and National Historic Ships UK (the advisory body to the Department for Culture Media and Sport) should be notified of

the proposals.

## 5.21 Paleoenvironmental archaeology.

One borehole (BH 212) was assessed for the survival of paleoenvironmental deposits by Wessex Archaeology, which produced a peat deposit radiocarbon dated to the Mesolithic period. While it has been agreed by Historic England that no further work is required on the samples taken, this is largely because the samples were not specifically collected for geoarchaeological data, and that a programme of deposit modelling and further data collection and analysis would be required specifically:

'What is needed is a deposit model, with the geotechnical data from the on- and off-shore boreholes (and test pits as appropriate) input to a database and used to examine the nature and distribution of deposits across the entire site footprint. This should have formed the starting point for targeting borehole samples for any palaeoenvironmental work and dating; and would still (if done now) enable a far more robust and more easily understandable assessment of the archaeological and palaeo-environmental potential of the site, against which any impact the proposed development can be viewed.

The deposit model will enable locations to be targeted for further evaluation (this might be purposive geoarchaeological boreholes on pile locations or evaluation trenches where impacts are shallow or possibly deeper shafts where lift shafts and pile concentrations are proposed).

The geoarchaeological deposit model should include:

' Inputting of recent geotechnical and any accessible previous / historic geotechnical and archaeological / geoarchaeological data relating to the deposit sequence within and immediately around the footprint of the site to a database (eg Rockworks);

' Viewing of this lithology data in transects drawn across the site and, based on their characteristics and landscape position, the deposits ascribed to the site stratigraphic sequence already proposed by Wessex (modified as appropriate);

' Modelling of the data to produce clearly illustrated contour plots and plots of thickness and distribution of key deposits and surfaces, which should include:

o The 'pre-Holocene topography' (eg top of uppermost pre-Holocene deposit / base of the Holocene sequence in any borehole) approximating the Early Mesolithic landsurface;

o Distribution and thickness of the key deposits identified in the site sequence and especially the fluvial sand (Unit 6), as this sand is likely to have potential for Late upper Palaeolithic archaeology; the peaty landsurface (Unit 7); the transgression unit (unit 8); the intertidal clay (Unit 9); and the made ground (which looks to me at least in part like historic foreshore deposits in the terrestrial boreholes and needs further investigation, as it is likely to have greater potential and significance than identified in the report).

' Cross sections/transects drawn across the site to best illustrate the thickness and distribution of the deposits and the impact on them of the proposed development (ie extent of development, depths of foundations, pile locations if known etc).

To conclude I agree that no further analysis of the samples taken from the geotechnical boreholes is justified or necessary, at this stage. Much better samples should be available for palaeo-environmental analysis at a later stage of the project. However, a deposit model, collating the data obtained from the geotechnical (and historic) boreholes is needed to provide a preliminary baseline of the distribution and archaeological potential of the buried deposits across the site, against which the development impact can be assessed.



This work can be secured through conditions.

#### 5.22 Interpretation Strategy.

A draft Interpretation Strategy (IS) was submitted at an early stage in the process, but unfortunately work has not progressed with its development. This will be a key document for the developer to submit and get agreement on in mitigation of the harm caused by the development proposals to the heritage assets. The commitment to re-engage the interpretation consultant is welcomed, and while the final agreed IS can be subject to the condition already suggested, further work on developing the strategy is needed prior to any approval, along with a commitment by the applicants that the IS will be implemented and the interpretive elements maintained. I would expect the interpretation of the remaining open element of the Dry Dock to be included in the IS.

5.23 **SCC Environmental Health (Pollution & Safety)** - No objections subject to conditions. I note the comments by the Environment Agency in their submission regarding the potential of contaminants being released and resuspended during dredging. As a Port Health Authority we are responsible for sampling of the shellfish beds and would not want to see them being affected, so support the EA in their comments. Noise from construction on the land can be controlled by conditions. For seaward piling, the applicant wishes to work 24/7. Their levels are satisfactory for the day, but the evening levels are slightly elevated and for night time it is too high. Although the applicant has submitted a Construction Environment Management Plan, as there is no contractor in place it cannot be completed, I would therefore ask for a condition. If any material dug from the riverbed or from the land side is odourous at the site boundary and is to be stored on site and not disposed of immediately, it shall be sheeted to reduce any emissions of odour.

5.24 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on/adjacent to the following existing and historical land uses: reclaimed land (on site); docks and wharfs (on site). These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Consequently, the site should be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site. The report submitted has identified contamination on site and recommendations have been made for further investigations following demolition which can be covered by conditions.

5.25 **SCC Ecology** – The terrestrial element of the application site is predominately hard standing and buildings which have negligible biodiversity value. The Pumphouse building was surveyed for bats but none were found. There will not be any adverse impacts on terrestrial biodiversity as a consequence of the proposed development. The intertidal habitats, found mainly on structures such as the mooring dolphins, comprise common species of seaweed, barnacles, mussels and limpets. A proportion of this habitat will be lost with the removal of two of the dolphins and although this will have an adverse impact on local marine biodiversity it will not be significant. Whilst this habitat is considered to be of low significance I would still like to see measures to encourage colonisation of the new structures.

- 5.26 A number of nationally and internationally designated nature conservation sites are located within the vicinity of the application site. International sites include the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site located approximately 750m to the south and the Solent Maritime Special Area of Conservation (SAC) 3km to the south east. Atlantic salmon and otter which are features of interest of the River Itchen SAC, located 5.5km to the north east, may pass in close proximity to the application site. Nationally designated sites include the Hythe to Calshot Marshes Site of Special Scientific Interest (SSSI) 750m to the south, Lee-on-the-Solent SSSI 930m to the east, Dibden Bay SSSI 1km to the south west and Eling & Bury Marshes SSSI 3.4km. The proposed development will not result in any direct impacts on the designated sites however, there is potential for indirect impacts which include: mobilisation of sediments (dredging); mobilisation of contaminants (dredging and piling); noise disturbance (piling); contamination from spills of fuel and other chemicals. Although these impacts are likely to be restricted to the area immediately around the application site, there is potential for them to affect Atlantic salmon which pass close to the site during migration. The distance between the application site and the adjacent shore makes impacts upon over-wintering wetland birds unlikely.
- 5.27 A range of appropriate mitigation measures have been proposed and are detailed in a Construction Environmental Management Plan. These measures include quiet piling techniques, soft start procedures, temporal restrictions on piling and dredging, minimising dredging over-spill, use of oil interceptors, controls on storage and use of chemicals and controls on refuelling of vehicles and other equipment. Whilst the CEMP is broadly acceptable precise details relating to a number of the mitigation measures are contained within supplementary documents which were not attached. The information contained with the CEMP is sufficient to allow the Local Planning Authority to conclude that there will be no adverse impacts on the European designated sites. However, to ensure that these measures are carried forward into the supplementary documents a condition should be attached to the permission requiring submission of the final version of the CEMP complete with the topic specific strategies.
- 5.28 **SCC Design Advisory Panel** – The proposal constitutes a poor design response that fails to exploit the opportunity of the site to create a positive impression for those arriving and departing the city. The scheme lacks design imagination and the new terminal building in particular fails to exploit the waterside setting and the opportunity presented to maximise the drama of the public experience of the closest viewing point to ships within the western docks. The terminal building will be lost in the general ‘greyness’ of the port landscape, whereas it should stand out as a focal point drawing the viewer to the destination. The design overall fails to appreciate that this project is more than simply the functional movement of vehicles on and off the ferry, or cruise ships, but has a wider responsibility as a key ‘public’ building within the city centre.

Response

See the comments from Historic England below and the design section of this report (paragraphs 6.10 and 6.11).

- 5.29 **Historic England** - (Comments on the application as amended) The current proposal is for four decks of parking over the Red Funnel marshalling yard and surface parking laid out within the outline of the dry dock. Access to the decked parking would be via a spiral ramp, contained within a 'drum' which would be positioned alongside and

within the dry dock. This proposal is much improved and has considerably less impact on the dry dock. However, the positioning of the drum in this location would restrict the views along the dry dock making the appreciation of its overall length difficult (but not impossible). In this sense there would still be a low level of harm to the heritage asset. It should be possible to outweigh the level of harm by implementing a comprehensive scheme of interpretation. The detail of the interpretation schemes should be submitted alongside any revised proposal as it is important that a balanced assessment of the overall scheme is possible with the amount of harm and benefit to the heritage asset clearly evident. The decked parking and drum will amount to a substantial and prominent structure in and alongside the dry dock. It will be important, therefore, that the materials for cladding, the overall profile of the structure etc are all carefully designed and structure of high architectural quality is achieved. It is intended to relate the design of the new decked parking to the design of the existing Ocean Terminal building so there is a broad cohesion to the site; this is the basis of a good approach.

- 5.30 **Environment Agency** - No objection in principle. Request conditions relating to piling, dredging methodology, and construction management.
- 5.31 **Natural England** - No objections subject to conditions on piling, dredging and disposal of materials.
- 5.32 **New Forest District Council** - No objections.
- 5.33 **Southern Water** – No objections subject to conditions.
- 5.34 **Ministry of Defence** - No safeguarding objections to the proposal (in respect of the Marchwood Military base).

## **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
  - Transport considerations
  - Heritage issues and impact on the setting of listed structures
  - Design
  - Regeneration issues.
  - Ecology/impact on environment

### **6.2 Principle of Development**

The application site lies within the operational Port of Southampton. It is the long established policy of the Council to promote and facilitate the growth of the port (Policy CS 9 of the Core Strategy). Policy AP 4 of the City Centre Action Plan supports the growth and overall competitiveness of the Port of Southampton as well as the growth and enhancement of the city centre. In considering development proposals the policy states that the Council will permit certain proposals if there are unlikely to be negative impacts on the current or future Port, or its strategic/secondary access; or if they have beneficial effects to the city centre which outweigh the negative impact on the Port or its access. This proposal is the first stage of the wider regeneration project for Royal Pier Waterfront which is a long standing

aspiration of the Council and a key project promoted by Policy AP 23 of the CCAP. The policy requires, as part of a large scale redevelopment, that all ferry services should remain integrated with the city centre and other public transport, either on site or relocated close by. The application proposals comply with these policy requirements and therefore the principle of this development is acceptable.

### 6.3 Transport issues

#### i) Access

The application has been the subject of extensive discussions between the applicant, the Council's Transport Team and other stakeholders including ABP as landowner, Carnival as operator of the Ocean Cruise Terminal and Red Funnel. The application proposes the relocation of the ferry terminal facilities from a location nearby to this site. Members attention is drawn to the detailed comments of the transport team in Appendix 2 to this report. Officers have studied the applicant's Transport Assessment (TA) submitted with this application and are broadly satisfied with the findings subject to mitigation measures being implemented. In terms of the impact on the highway network, as this development is primarily relocating an existing use, no new trips are assumed to have been generated and are reassigned to the new access on to the network. As part of the TA, the A33/Town Quay/High Street junction was assessed and the impact was considered to be acceptable with some improvement following the reduction in Red Funnel traffic, some of which currently U-turns at the Mayflower roundabout. The A33/Dock Gate 5 junction was improved in 2104 as part of the 'Platform for Prosperity' scheme to provide enhanced access to the Eastern Docks at Dock Gates 4 and 5. It was designed to allow access to the relocated ferry services by providing access to the application site outside of the Port's security controls. The transport team consider that improvements are needed to allow this junction to operate satisfactorily. It is surprising that this newly completed junction is not acceptable as built, but experience has shown issues when HGVs turn left out of the site and effectively straddle both left turn lanes and limit capacity for traffic leaving the docks. Improvements will be needed to this junction which will be secured through the Section 106 agreement. Although the full details of the alignment of the junction are not currently known, it is likely that there will be a small loss of the open space which was provided in the replacement Vokes Memorial Gardens. Although this would be contrary to policy, which seeks to retain the quantity of open space in the city, the loss is quite minor, anticipated to be about 40 square metres and the area in question is not particularly useable. It is considered that this would be outweighed by the wider public benefits associated with this scheme, including improved access to the waterfront for the public.

#### 6.4 ii) Pedestrian/cycle accessibility including riverside walkway

Two options will be available for pedestrians using the ferry facilities. One of the routes is alongside the road leading to the terminal. Part of this route is beneath the multi-level car park. The other involves improvement to an existing private access from Platform Road which serves the marina slipway and existing car parking and creates a new riverside walkway beyond. This will be an attractive route during better weather and daylight hours. It is generally about 3 metres wide which is considered adequate as a combined pedestrian and cycle route. The walkway widens out at either end to become some 6 metres wide at the southern end. The walkway incorporates areas of seating and a new 'feature fence' which will provide adequate enclosure separating this public use from the marshalling yard for the ferries. This

walkway is a significant benefit to the scheme, providing a new public access to the waterfront with views across to Town Quay and beyond. Public access along this walkway will be secured through the Section 106 agreement.

#### 6.5 iii) Public Transport

Moving the ferry terminal could result in a less convenient location for the public to access the facilities. The existing city link bus service is subsidised by commercial partners including Red Funnel and South-west Trains - it is anticipated that this service will continue in the future. Buses will need to access the site from Dock Gate 5, travel to the ferry terminal, wait and then turn around and leave the site in the same direction. To make the arrangements acceptable it will be necessary for there to be off site works at Orchard Place/Dock Gate 5 and within the internal port access road. These works will be secured through the Section 106 agreement.

#### 6.6 iv) The proposed car park

The new car park is to provide long stay cruise parking for the Ocean Terminal, the storage of vehicles for import/export and other port related parking. It will also provide replacement for some of the existing short stay car parking spaces. The current car parking arrangements involve 935 spaces when parked flexibly (i.e. stacked one behind the other) on the area of the marshalling yard. The current Carnival short-term car park contains 337 marked spaces giving a current car parking capacity of 1,272 spaces. This proposal provides a total of 1,236 marked parking spaces compared to the current figure of 1,272 (marked and flexible spaces). The surface level car park would respond to the plan of the dock being a linear layout of 216 spaces, including 6 spaces for disabled users. The multi-deck would provide long stay parking for 1,020 cars to the west of the dry dock. The overall footprint of the building is established by the vehicle manoeuvring requirements of the marshalling yard. The height of the car park is determined by a requirement for a clear height of 5.5 metres to the marshalling yard below the first level of the parking deck. The existing coach parking to the west side of Cunard Road is retained. The area to the north of the dock can be utilised for overflow parking with a capacity for approximately 150 car spaces. The marshalling yard has been designed to meet the operational requirements of Red Funnel. It will provide a capacity of 417 car equivalent units (CEU) which is greater than the capacity of the existing Red Funnel marshalling yard.

#### 6.7 Heritage

The proposed development affects the special architectural and historic interest of the listed structures being the dry dock and the associated pump house. The Council, as decision maker in this case, has a statutory duty to pay special regard to the preservation of the listed structure and its setting. The significance of the dry dock as a listed structure lies in its association with early 20th Century ocean-going liners and the importance of Southampton as an historic port. In considering the heritage aspects of this application members attention is drawn to the comments of Historic England in paragraph 5.29 of this report and the comments of the Council's Heritage Team in paragraphs 5.18 to 5.22.

6.8 In deciding the application the Council must have regard to the advice in the NPPF which states that the authority should identify and assess the particular significance of the heritage asset that may be affected by a proposal including by development affecting the setting of the heritage asset. The new terminal building would result in

the loss of the remaining above ground structure of the pumphouse. The remaining part of this structure has no roof and is in poor condition. The relationship to the former dry dock remains legible but it is of limited architectural value or interest. The only elements that are considered to be of interest are within the pumpwell where the pump turbines, motors and valves used to pump and drain water from the dry dock survive. It is proposed to retain and display this pump equipment, beneath the new building, with a series of lenses/panels within the floor which would be lit and visible to the public. This will form part of an interpretation strategy which can be secured through a condition.

The reconfiguration of the short stay parking spaces will sit within the outline of the dock and will allow the historic extent of the dock to be visible on the ground.

As part of the development it is proposed to reinstate original bollards and keel blocks to help define the pedestrian routes and to reinforce the historic context.

Concern has been expressed about removal of historic vessels as a result of the new ferry works. However, the particular location of these vessels cannot be protected by planning legislation.

- 6.9 As amended the application no longer proposes to install the decked car park directly above the listed dry dock structure. The multi-deck will now be to the west of the dry dock above the Red Funnel marshalling yard. The only structure on the footprint of the dry dock will be a circular 'drum' which will provide the necessary vehicular access to the car park. Although this structure is located within the dock area, the structural support for the drum will be contained within the infill with no bearing on the listed structure below. The NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. In this case it is considered that the amended proposal would not result in significant harm. The NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. With the necessary interpretation strategy it is considered that any harm is outweighed by the wider planning benefits of the development. Given the existing nature of the Eastern Docks the proposed development would not be detrimental to the character and appearance of the Canute Road Conservation Area.

#### 6.10 Design

The design of the proposed terminal building has been amended during the course of the application. The approach has been to design a building in a similar 'language' to that of the Ocean Cruise Terminal which is a much larger structure. The proposed external materials would be similar to the terminal building. The Council's Design Advisory Panel were critical of the design approach which they felt was a missed opportunity for a new public transport facility in a highly visible location. Whilst that may be the case, it does not mean that the current scheme is unacceptable for its context.

- 6.11 As stated earlier in this report the new multi-deck car park would have a significant visual impact as it is a large structure to be constructed on what is currently an open part of the docks. There are several multi-deck parking structures within other parts of the Eastern Docks so this would not be out of character with the area. Other options have been considered for providing sufficient space for the necessary car parking but these options were considered to be unacceptable for heritage reasons. Overall, the car park and the terminal building would not be out of character with the wider industrial landscape of the docks and the revised layout now respects the listed

dry dock making the scheme acceptable.

## 6.12 Regeneration issues

The existing ferry facilities suffer from being spread out on different sites. There is no single, purpose built arrival and departure point. Passenger facilities are poor, partly due to inadequate space. The administrative offices are spread between Town Quay and the company head office at 12 Bugle Street. There is a limited marshalling yard and area for queuing traffic. At busy times, Mayflower Park is used as an overspill area which is not particularly desirable. The existing arrangements make for a poor visitor experience with a small area for waiting within the terminal. The entrance to the site is poor and often congested with a consequential impact on the adjoining highway network. The throughput of passengers is limited by the size of the marshalling yard and the terminal building. This proposal would provide benefits in terms of operational efficiency and passenger experience. Clearly, the main regeneration benefit is in terms of acting as the first stage in the Royal Pier Waterfront proposal which cannot happen until the ferry facilities are relocated.

## 6.13 Ecology/environment

The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. As stated in paragraph 5.25 of this report, it is not considered that there will be any adverse impacts on terrestrial biodiversity as a consequence of the proposed development. The ecological impact is potentially more significant for the marine environment. The MMO have concluded within the appended HRA that no significant effect on interest features has been identified, from either the construction or operation of the works. It is the MMO's opinion that if the mitigation measures, with reference to timing and methodology of piling and alternative disposal of contaminated dredge material are adhered to, the proposal is unlikely to have a significant effect on any SAC, SPA or Ramsar site, either individually or in-combination with other plans or projects. The Council's Planning Ecologist agrees with the findings of the HRA. To meet the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) the Panel are recommended to endorse the HRA.

## 7. Summary

- 7.1 This application represents the first stage of the Royal Pier Waterfront redevelopment which is a long standing aspiration of the Council to create a high class waterfront for the city. That ambitious project cannot proceed until the existing ferry facilities have been moved to a site nearby. Although there would be some disadvantages of relocating the ferry facilities to this site in terms of public transport and pedestrian accessibility, there would be many benefits to Red Funnel in terms of consolidating all its activities on one site with much improved marshalling yard facilities. The

revised planning application is considered to be acceptable in highway terms, subject to mitigation measures being undertaken both on and off-site which will be secured through the Section 106 agreement. The previous heritage concerns have now been addressed and the design of the terminal building and car park, whilst functional are considered to be acceptable.

## **8. Conclusion**

It is recommended that planning permission is granted subject to a Section 106 agreement and conditions and that listed building consent be issued subject to conditions to be decided by officers.

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

1 (a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(d), 2(e), 2(f), 4(d), 4(e), 4(g), 4(vv), 6(a).

### **RP2 for 19/01/2016 PROW Panel**

### **PLANNING CONDITIONS**

#### **1. Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no 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).

#### **2. Details of building materials to be used (Pre-Commencement Condition)**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. Development shall be implemented only in accordance with the agreed details.

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

#### **3. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:



- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

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.

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.

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.

#### 4. Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

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

1. A report of the findings of additional exploratory site investigation (as recommended in the Onshore Contaminated Land Site Investigation Interpretative Report, 2015 ), characterising the site and allowing for potential risks (as identified within the desk study report) to be assessed.

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

On completion of the works set out in (2) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The

verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

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

Reason:

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

5. 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.

6. 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.

7. BREEAM Standards (commercial development) [Pre-Commencement Condition]

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

REASON:

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

8. BREEAM Standards (commercial development) [performance condition]

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

Reason:

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

9. Archaeological evaluation brief [Pre-Commencement Condition]

No development shall take place within the site until the implementation of programmes of archaeological work for both the maritime and land-based archaeological remains have been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

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

10. Archaeological evaluation work programme [Performance Condition]

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

Reason:

To ensure that the archaeological investigation is completed.

11. Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works for both the maritime and land-based archaeological remains in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

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

12. Archaeological work programme (further works) [Performance Condition]

The developer will secure the completion of a programme of archaeological work for both the maritime and land-based archaeological remains 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.

13. Archaeological damage-assessment [Pre-Commencement Condition]

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

Reason:

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

14. Interpretation of the Pump House [Performance Condition]

No development shall commence until an Interpretation Strategy and Design has been submitted to and approved in writing by the Local Planning Authority. The interpretation must provide physical or intellectual access to the pumping equipment and should be integrated into the landscaping design proposals.

Reason:

To mitigate the substantial adverse harm caused by the demolition of the Pump House.

15. Structural Engineers Report [Performance Condition]

No development shall commence until a Structural Engineers report on the adequacy of the gravel fill within the dry dock to support a multi-deck car park without damage to the concrete structure has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

To ensure that the structure of the dry dock is not damaged by piling.

16. 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.

17. Safety and security (Pre-Commencement Condition)

No development shall take place apart from site preparation and groundworks until a scheme of safety and security measures including on-site management, security of the car parking areas, a lighting plan, a plan showing location and type of CCTV cameras and access to the building has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of safety and security.

18. Cycle storage facilities (Pre-Commencement Condition)

Notwithstanding what is shown on the approved drawings, before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

19. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interests of amenity, safety/security and ecology.

20. Piling (Pre-Commencement)

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of neighbouring occupiers.

21. Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the Local Planning Authority. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. The plan shall include proposed hours of construction activities and pollution prevention measures proposed for the works. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties. The River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and cause deterioration of a Shellfish protected area.

This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015), the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Water Framework Directive.

22. Piling Measures (Performance Condition)

The following measures must be taken for all piling activities:

Piling works should be undertaken in the winter months of the year only (between 1st October and 16th March). If piling works are carried out between 16th September and 30th November an Adaptive Management Strategy as set out here must be applied:

Should the Licence holder wish to carry out piling activity between 16th September and 30th November in the area upstream of the line drawn between Hythe Pier NGR SU4278308537 and Weston Hard Buoy NGR SU4412909819) the Licence Holder must adhere to up to two 'stop' periods between those dates when the autumn salmon run has commenced. Each stop would be for a maximum of three days (a maximum of 72 hours) and the start date would be determined by the Environment Agency. 24 hours notice would be provided in writing (e-mail) by the Environment Agency. Vibration or 'silent' piling methods should be used as standard. If this is not an option then slowly increasing the power of the driving over a 5 minute period should be implemented. Any variation to the use of a vibration piling methodology should be submitted to and approved by Southampton City Council and the Marine Management Organisation in consultation with the Environment Agency and Natural England.

Reason:

Piling has been identified as having potential to impact upon migratory salmonids and other migratory fish. Salmon and Sea trout will be present within the estuary. The mitigation techniques outlined in the condition, should reduce the impact of the work on migratory fish in this area. This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015) and the Water Framework Directive.

#### 23. Works Associated with Dredging Activities (Pre-Commencement Condition).

Prior to the commencement of works, a scheme for works associated with the proposed dredging shall be agreed with Local Planning Authority in consultation with the Marine Management Organisation, Cefas, Environment Agency and Natural England.

This scheme should include the following:

Additional Water Framework Directive Assessment - risks that the highly contaminated material poses to the status of WFD specific pollutants, priority substances, Shellfish Water Protected Area and shellfish: Location of works; Timing of works; Detailed methodology; Remediation strategy; Disposal strategy

The scheme shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority in consultation with the Marine Management Organisation, Cefas, Environment Agency and Natural England.

Reason

To prevent detrimental impact on ecology and consequent deterioration of watercourses and/or failure to achieve good ecological status or good ecological potential. The sediments to be dredged in this proposal are highly contaminated so could potentially impact ecology and water quality/environment.

This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015) and the Water Framework Directive.

#### 24. Dredging Methodology (Performance Condition)

Only backhoe dredging is to be used and measures should be put in place to ensure there is no overspill of dredged material or water from the hopper barge receiving the dredged

material. A silt curtain should be used around the dredge site to prevent wider dispersal of contaminated sediments into the Test Estuary and Southampton Water.

#### Reason

To minimise environmental impacts through high suspended sediment concentrations and mobilisation of contaminated sediments from the dredge material.

This condition is in line with Paragraph 109 of the National Planning Policy Framework, Policy CS22 of Southampton City Council's Core Strategy Partial Review (adopted March 2015) and the Water Framework Directive.

#### 25. Dredge material remediation and disposal strategy (Performance Condition)

Due to the significant levels of heavy metals, organotin compounds and hydrocarbons present within the marine sediments at Trafalgar Dock, a dredge material remediation and disposal strategy should be agreed with MMO, Cefas, EA and NE prior to any marine works commencing.

Reason: To minimise the risk of contamination to the marine environment from disposal of dredged material at the Nab Tower disposal site.

#### 26. Piling (Performance Condition)

Vibro-piling should be used as standard, percussive piling should only be used when needed to drive a pile to its design depth. A soft-start procedure and acoustic shrouds should be used when percussive piling is required.

Reason: To minimise noise disturbance to birds and other mobile species that use the area.

#### 27. Use of materials (Performance Condition)

The applicant shall ensure that any coatings/treatments on the materials are suitable for use in the marine environment and are used in accordance with best environmental practice. Environment Agency pollution prevention guidelines (PPG) should be followed and all reasonable precautions are undertaken to ensure no pollutants enter the water body.

Reason: To avoid contamination of the marine environment.

#### 28. 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.

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**Application** 15/00408/FUL

**APPENDIX 1**

### POLICY CONTEXT

#### Core Strategy - (as amended 2015)

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS3  | Promoting Successful Places                                |
| CS6  | Economic Growth  |
| CS9  | Port of Southampton  |
| CS12 | Accessible and Attractive Waterfront                       |
| CS13 | Fundamentals of Design                                     |
| CS14 | Historic Environment                                       |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car & Cycle Parking  |
| CS20 | Tackling and Adapting to Climate Change                    |
| CS22 | Promoting Biodiversity and Protecting Habitats             |
| CS23 | Flood Risk   |
| CS24 | Access to Jobs   |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

#### City of Southampton Local Plan Review – (as amended 2015)

|       |                               |
|-------|-------------------------------|
| SDP1  | Quality of Development        |
| SDP4  | Development Access            |
| SDP5  | Parking                       |
| SDP9  | Scale, Massing and Appearance |
| SDP10 | Safety & Security             |
| SDP11 | Accessibility & Movement      |
| SDP12 | Landscape & Biodiversity      |
| SDP13 | Resource Conservation         |
| SDP15 | Air Quality                   |
| SDP16 | Noise                         |
| SDP17 | Lighting                      |
| SDP22 | Contaminated Land             |
| NE4   | Protected Species             |
| NE5   | Intertidal Mudflat Habitats   |
| HE3   | Listed Buildings              |
| CLT10 | Public Waterfront and Hards   |
| CLT11 | Waterside Development         |
| TI2   | Vehicular Access              |

#### City Centre Action Plan - March 2015

|       |  |
|-------|--|
| AP 1  | New office development   |
| AP 4  | The Port   |
| AP 14 | Renewable or low carbon energy plants; and the District Energy Network |
| AP 15 | Flood resilience   |
| AP 16 | Design   |

AP 17 Tall buildings  
AP 18 Transport and movement  
AP 19 Streets and Spaces

AP 23 Royal Pier Waterfront

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Application** 15/00408/FUL

## **SCC Transport/Highways Team Comments**

### Introduction

This is the response of the Highway Authority to the planning application 15/00408/FUL for the relocation of the Red Funnel terminal facilities and services from Town Quay (Dock Gate 7) to Trafalgar Dock (Dock Gate 5).

### Policy

Policy AP18 of City Centre Action Plan (CCAP) states that the ferry links to the Isle of Wight and Hythe are important connections for Southampton and improved facilities should be pursued, either onsite or nearby, with enhanced pedestrian, cycle and public transport links, including bus-ferry interchange. The proposed relocation of the Red Funnel terminals from Dock Gate 7 to Dock Gate 5 is to create an enhanced ferry facility for services to the Isle of Wight and Hythe in line with the aspirations in CCAP. However, the proposed relocation will significantly increase walking and cycling distances to all destinations in the city centre compared to the current location. While the relocation of Red Funnel services from their current location at Dock Gate 7 is necessary to deliver the Royal Pier Waterfront development; the relocation will need to include significant mitigation, such as continuing the current CityLink bus service from the ferry terminal to Southampton Central station to maintain bus-ferry interchange and enhanced cycle storage provision, to lessen the negative impacts of the proposed location on sustainable modes of transport.

### A33/Dock Gate 5 and Internal Port/Red Funnel Junctions

The A33/Dock Gate 5 junction was improved in 2014 as part of SCC's Platform for Prosperity scheme to provide enhanced access to the Eastern Docks at Dock Gates 4 and 5. The scheme was part of the enabling works for the relocation of the Red Funnel (RF) ferry services by providing access to Trafalgar Dock outside of the Port's security controls.

Vehicular access to the relocated RF terminal will be provided solely via Dock Gate 5 (DG5) junction from A33, there will be no access for general Port traffic via this junction. Dock Gate 5 will also be the exit route for all traffic associated with the Eastern Docks, including RF traffic, freight and cruise traffic from the Eastern Docks (including Ocean and QE2 Terminals). From Dock Gate 5 RF traffic will use a short length of the Port Access Road to access the terminal via a new traffic signal controlled junction. This junction will be required to manage the competing traffic demands on the Port Access Road and will need to be linked to the SCC controlled DG5 highway signals to manage the impact on the A33. Currently this route is only used to access the existing Triangle Car Park, which will continue to be accessed via DG5 and a new arrangement within the site.

The TA (April 2015) provides junction assessments of the A33 Town Quay/High Street and A33 Town Quay/Dock Gate 5/Orchard Place and the new Internal Port/Red Funnel junctions for the opening year of the Red Funnel terminal in 2016 for the AM, PM and Saturday (including cruise ships) scenarios. As this development is primarily relocating an existing use from one location to another no new trips are assumed to have been generated, beyond committed development, known cruise ship movements and background traffic growth, and are reassigned to the new access onto the network.

The TA demonstrates that, following the relocation of RF services, the A33/Dock Gate 5 junction is predicted to operate at approaching or over capacity in 2016 in all peak periods assessed, with the biggest impact during the Saturday peak. This will be particularly relevant for the right turn lane into DG5 from Town Quay and exiting DG5 turning right. The A33/Town Quay/High Street junction was also assessed and this operates sufficiently within capacity, in some arms there is an improvement with the reduction in RF traffic u-turning at Mayflower Roundabout. The predicted operation of Dock Gate 5 junction is justified as a severe impact and would not be acceptable to the highway authority.

Observations of the current DG5 junction shows that operation of the two lane left turn exit from DG5 arm onto A33 Town Quay can be compromised when a HGV is making the manoeuvre. This in effect reduces the capacity of the junction which is understood not be accounted for in the initial modelling. This is a concern is also noted by ABP, Carnival and Red Funnel in their responses to the application.

During the application process, discussions between SCC, the Developers and other stakeholders considered mitigation options to improve the operation of the junction, including:

- Closing Orchard Place southbound to all traffic except buses, taxis and cycles between Queens Terrace and Platform Road and removing the right turn at Platform Road,
- Signalising the internal junction south of Dock Gate 5,
- Providing two traffic lanes for the exit for Red Funnel traffic, and
- Incorporating the internal signalised junction into the City Council's urban traffic control system and provide a 'hurry call' on the RF stage for when a ship is disembarking.
- Easement of the radii of the kerb alignment at Dock Gate 5 onto A33 Town Quay to provide wider left turn lanes.

These are included in the amended Transport Assessment (October 2015).

The installation of a bus lane on Orchard Place is to reduce the impact of the right turning traffic from both DG5 and Orchard Place opposing each other and significantly reducing the operational capacity of the junction. The proposed changes to Orchard Place should permit buses, taxis and cyclists to travel ahead across the junction into Dock Gate 5 to enable access to RF terminal, as well as turn left onto A33 Platform Road to continue to cater for existing bus services. Retaining this as a bus priority route is important for the CityLink bus service between Southampton Central Station and the ferry terminal. This will need to include traffic signal controlled bus priority implemented at the DG5 signals.

The 'hurry call' is part of the package to manage efficient disembarkation of RF traffic from the ship within a certain timeframe to maintain the operational timetable. Keeping the ferry services to timetable is important for SCC as the ferry service is a key component in the city's transport network and delays in loading ships could led to negative impacts on the local highway network.

This package of highway alterations to mitigate the impact of the relocation of RF ferry services to Trafalgar Dock are deemed acceptable to SCC. They should ensure the Dock

Gate 5 junction operates within capacity in 2016, with delays and queues reduced and managed.

While the junction remains close to capacity as a result of the relocation of RF, this is not severe enough to sustain an objection from the highway authority.

However, to enable the works to happen and mitigate future impacts the following should be required of the developer:

- Provide detail on the changes to Dock Gate 5 junction resulting from the changes to Orchard Place and DG5 exit, location of signal heads, detection loops, and location and operation pedestrian & cycle crossing points and cycle routes;
- Provide detail on the layout of the Internal Port junction and future management, including location of signal heads, detection loops and CCTV monitoring, subject to a Safety Audit;
- Provide a detailed plan the wider signing and mitigation measures for implementing the proposed Orchard Place restrictions, including the Traffic Regulation Order (TRO) for the bus lane and turning restrictions;
- Provide detail on the appropriate signing to direct traffic to the correct Dock Gate and for Triangle Car Park,
- Details on the connection to the SCC UTC system using SCOOT, including how the 'hurry call', bus priority, and the DG5 and High Street junctions will be managed and access/ maintenance agreements for all traffic signal control equipment not on the adopted highway;
- Enhanced Variable Message Signs (EVMS) installed to provide traveller information on Red Funnel ferries, cruise operations and general traffic conditions in line with the SCC ITS Strategy;
- Installation of CCTV for monitoring of the junctions performance and bus lane enforcement.

### Public Transport

The relocation RF Terminal is expected to continue to be served by the existing CityLink bus service connecting RedJet services and Southampton Central station. This is an important service within the transport provision in Southampton and provides a vital connection between the Isle of Wight and London. The CityLink service is expected use the Terminal Access Road to serve the new terminal at an integrated bus-ferry interchange, however there is little detail provided on the future operation of the bus-ferry interchange once the terminal is open. Therefore, further information is required on the operation of the CityLink bus service including timings, routing, passenger information provision (including real-time passenger information), connections to Southampton Central Station and frequency with confirmation given that the integrated ferry-bus-rail service is not negatively impacted.

The Terminal Access Road cross the Ferry Exit Road at a priority junction with 'Keep Clear' markings. The CityLink bus service will use the Terminal Access Road when leaving and it may get delayed at this priority junction by traffic entering and exiting the ferry. This could be particularly acute at peak periods where queuing or heavy traffic may not permit the bus to exit, with knock-on impacts on the reliability of the service connecting

RedJet services with London bound trains from Southampton Central station. Details are needed on how bus service provision can be maintained. This should include confirmation on the bus priority measures planned to both the Internal Port Junction and Dock Gate 5 traffic signals to help manage the reliability of the CityLink service.

No objection, subject to further information and detail on:

- The level of taxi rank provision, including waiting shelters and kiss & sail spaces (including waiting times) to replicate at least the current arrangement at Town Quay,
- Management plan for public transport including detail on provision for the bus stop on the Terminal Access Road, including waiting facilities, real-time information and future maintenance agreements, and evidence to demonstrate that a bus can turn around in the turning head and what waiting/parking restrictions will be included and how they will be managed taking account of this not be adopted highway.
- Real-time information provision within the ferry terminal, such as displaying live train times from Southampton Central,

### Pedestrians and Cyclists

The relocated terminal is proposed to be served by two primary routes for pedestrians and cyclists – one via Dock Gate 5 and Terminal Access Road, the second via a new Quayside route from Town Quay along the western boundary of the site. The DG5 route provides a pedestrian footpath along the western side of the link road, crossing the Terminal Access Road and proceeding to the terminal beneath the long-term cruise parking structure. This is expected to be for pedestrians only with cyclists catered for on carriageway, cycle facilities such as directional signing and advanced stop lines should be included on this route.

The Quayside route is proposed to be a shared use path from Town Quay using the Marina Access Road to the existing marina slipway and then along the Quayside to the ferry terminal. Due to the relocation of the RF terminal walking and cycling distances will be significantly affected with additional distance and an indirect and possibly undesirable route. To ensure that these are not adversely affected the facility for pedestrians and cyclists will need to be a high quality, safe and secure environment.

Along the Marina Access Road this is proposed to be shared use for pedestrian, cyclists and vehicles for the Marina Car Park and the slipway. The width of this is and the surface treatment needs to be adequate not to confuse or create an unsafe environment. The width of the Quayside route is proposed to be 3.5m plus seating and planting, which is reduced from previous submission of 6m. Whilst this width is considered sufficient for a shared use cycle pedestrian path, it is disappointing that the 6m option was not pursued for this key link from the terminal into the city centre.

While the Quayside route is welcomed, there are concerns over perceptions of security and safety from the lack of natural surveillance, height of the boundary fence and limited exit points. The reduced width is likely to compound this problem, particularly during hours of darkness. To mitigate against the security and safety concerns further detail is needed on lighting and surveillance in consultation with Hampshire Police. It is welcomed that there is planned to be a high quality feature fence/screen along the Quayside route, this is vital to creating a welcoming public realm environment to Southampton. The Quayside route crosses in front of the ferry's access ramps, this may include times when vehicles

are boarding/disembarking from the ferry, which was raised in the Safety Audit, SCC would also have concerns about how this interaction is managed.

Secure cycle parking is provided as part of the new terminal facilities, however the proposed location is disconnected from the terminal building and the proposed capacity of 100 cycles may not be sufficient for future demand. While it is a 10% increase on existing provision on Town Quay, it is acknowledged that space is limited we would recommended that this should be two-tiered provision. There must be additional spaces provided closer to the terminal building and separate secure provision for staff.

The new vehicle access routes will impact on the Triangle Car Park with a new vehicle access/egress point being from the Ferry Access Road. It is unclear where the pedestrian routes and access points are for this car park, these should be clarified to ensure that pedestrians do not use the vehicle access point where it would be necessary to cross the Ferry Access Road, entrance the Marshalling Yards and the Terminal Access Road to reach a footway.

The private car park for Town Quay Offices is currently unfenced and configured so that cars are able access/ egress some of the spaces informally via the Marina Access Road, which is proposed to become part of the Quayside route. This appears to optimise the car park capacity, but will impact on pedestrian and cycle safety as vehicles could reverse out with poor visibility. As activity will increase along this road this ability to access the Town Quay Offices car park from the Marina Access Road, deemed as informal, will need to be fenced off with appropriate physical restrictions.

As part of the development, there will be a requirement to install new pedestrian and cycle wayfinding infrastructure and update existing to account for the relocated terminal building and access routes. The infrastructure required will be as defined by the SCC Legible Cities Strategy and need to be discussed in detail with SCC.

No objection, subject to further detail on:

- The materials, surveillance, lighting, security, management of the landscape planting and access arrangements for the Quayside path , the materials should be consistent with the shared pedestrian-cycle path on Platform Road-Town Quay;
- How the interaction between traffic accessing the Marina Access Road to the Marina Car Park and slipway, and pedestrians and cyclists is managed – such as width, materials, surveillance, lighting and boundary treatment with the Town Quay offices and Marina car parks. This should include a plan and cross-section of this section of the route and be consistent with remainder of the route along the Quayside.
- Detail on localised movements and connections for cyclists and pedestrians along Terminal Access Road. Particularly for cyclists entering and exiting the site through DG5 with provision for either on-carriageway (cycle lanes and advanced stop lines) or shared use pedestrian-cycle paths.
- Detail on pedestrian access points and routes for the Triangle Car Park.
- Detail on management of the interaction of pedestrians and cycles crossing in front of the ferry ramps and vehicles disembarking.

- Detail on the pedestrian and cyclist wayfinding strategy in line with SCC Legible City standards.
- Detail on the cycle parking facilities both in the covered facility (including lighting, security, type and style), additional short-stay facilities closer to the terminal entrance and separate secure facilities for staff.

#### Adoption of the internal road network

Following discussions between SCC, the Developers and ABP, the internal road network south of the existing highway boundary at Dock Gate 5 will not be adopted as public highway maintainable by the highway authority. However, as an important transport interchange for Southampton public access to the site should be unfettered and available 24 hours a day. An Access Management Plan will be required to achieve the desired level of public access to the ferry terminal. An access and maintenance agreement will be required with SCC to access and maintain the ITS equipment (signals, poles, controllers, EVMS, detector loops etc) within the site.

#### Conclusion

Overall, there is no objection from the highway authority to the application, subject to addressing of the points and conditions set out in this response.





Marine  
Management  
Organisation

### Record of Likely Significant Effect

#### Regulation 61 of the Conservation of Habitats and Species Regulations 2010, Statutory Instrument 2010/490

**Title:** Trafalgar Dock, Southampton

**Applicant:** RPW (SOUTHAMPTON) LIMITED

**Reference No:** MLA/2015/00116

**Date:** 25 November 2015

#### **Location**

Royal Pier, Southampton.

#### **Project Description**

The project is phase 1 of 2 of the Royal Pier Waterfront development which is a redevelopment scheme of Southampton Waterfront. Phase 1 will consolidate the existing Red Funnel vehicle ferry service, the Red Jet pedestrian service and the company's head office onto one site, including provision for the Hythe ferry service. The relocation includes the provision of marine structures, such as pontoons as well as vehicular and pedestrian link spans. Dredging is required in the area of proposed ferry berths.

Approximately 7,600m<sup>3</sup> of material will be dredged and the applicant had proposed that this material would be disposed of at the Nab Tower Disposal Site, subject to sediment analysis results. Analysis results showed areas of the dredged material to contain contaminant concentrations above Cefas Action Level 2. Following consultee responses and advice from MMO, the applicant will now dispose half (3,800m<sup>3</sup>) of this material to land. Two existing dolphins will be demolished prior to dredging. Repair works will be carried out to the two remaining dolphins and the quay wall, if

necessary, and assessments undertaken to determine the need for strengthening works. Additional outfalls will be created as required.

### **European marine sites (EMS) and Ramsar in vicinity of proposed works**

The following EMS are located in the vicinity of the proposed works (approximate distance in brackets):

Solent and Southampton Water Special Protection Area (SPA)  
Solent and Southampton Water Ramsar site  
Solent Maritime Special Area of Conservation (SAC)  
River Itchen SAC

Further information regarding these sites and their protected features can be found at:

<http://publications.naturalengland.org.uk/publication/6567218288525312>

<http://jncc.defra.gov.uk/pdf/RIS/UK11063.pdf>

<http://publications.naturalengland.org.uk/publication/5762436174970880>

<http://publications.naturalengland.org.uk/publication/5130124110331904>

### **The conservation objectives of Solent and Southampton Water Special Protection Area (SPA) site are:**

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

**The extent and distribution of the habitats of the qualifying features**

**The structure and function of the habitats of the qualifying features**

**The supporting processes on which the habitats of the qualifying features rely**

**The population of each of the qualifying features, and,**

**The distribution of the qualifying features within the site.**

### **Qualifying Features:**

A046a *Branta bernicla bernicla*; Dark-bellied brent goose (Non-breeding)

A052 *Anas crecca*; Eurasian teal (Non-breeding)

A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)

A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)

A176 *Larus melanocephalus*; Mediterranean gull (Breeding)

A191 *Sterna sandvicensis*; Sandwich tern (Breeding)

A192 *Sterna dougallii*; Roseate tern (Breeding)

A193 *Sterna hirundo*; Common tern (Breeding)

A195 *Sterna albifrons*; Little tern (Breeding)

Waterbird assemblage

**The criteria of the Solent and Southampton Water Ramsar site are:**

**1, 2, 5, 6**

**Ramsar criterion 1**

The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.

**Ramsar criterion 2**

The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.

**Ramsar criterion 5**

Assemblages of international importance:

Species with peak counts in winter:

51343 waterfowl (5 year peak mean 1998/99-2002/2003)

Ramsar criterion 6 – species/populations occurring at levels of international importance.

**The conservation objectives of Solent Maritime Special Area of Conservation site are to:**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

**The extent and distribution of qualifying natural habitats and habitats of qualifying species**

**The structure and function (including typical species) of qualifying natural habitats**

**The structure and function of the habitats of qualifying species**

**The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**

**The populations of qualifying species, and,**

**The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

**Qualifying Features:**

H1110. Sandbanks which are slightly covered by sea water all the time

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1150. Coastal lagoons\*

H1210. Annual vegetation of drift lines

H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves

H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1320. *Spartina* swards (*Spartinion maritimae*); Cord-grass swards

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram

S1016. *Vertigo moulinsiana*; Desmoulin's whorl snail

**The conservation objectives of River Itchen SAC site are:**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

**The extent and distribution of qualifying natural habitats and habitats of qualifying species**

**The structure and function (including typical species) of qualifying natural habitats**

**The structure and function of the habitats of qualifying species**

**The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**

**The populations of qualifying species, and,**

**The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

**Qualifying Features:**

H3260. Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1044. *Coenagrion mercuriale*; Southern damselfly

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish

S1096. *Lampetra planeri*; Brook lamprey

S1106. *Salmo salar*; Atlantic salmon

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

**Is the proposal directly connected with or necessary to the management of the site for nature conservation?**

No

**Is the proposal likely to have a significant effect 'alone and/or in combination' on a European or Ramsar site or Annex 1 species or habitat?**

| Interest feature | Potential hazard   | LSE?  | Potential exposure to hazard and mechanism of effect/impact if known  |
|------------------|--|---|---|
| Estuaries.       | Loss of habitat. Smothering of habitats during dredging. Changes to accretion/deposition rates. Pollution incident during construction/operation | No impact predicted as mitigation measures are included within the proposal | The subtidal area affected by the dredge is 6,500m <sup>2</sup> and does not directly affect any part of the designated site. The zone of influence from increased suspended sediments in the water column is about 200m upstream. The closest estuary is approximately 3km from the zone of influence. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution. |

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| Spartina swards;<br>cord-grass | Changes in wave action resulting in erosion. Changes to accretion/deposition rates. Pollution incident during construction/operation | No impact predicted as mitigation measures are included within the proposal | The closest part of the European site that could support this habitat is on the western shore of Southampton Water 3km from the proposal. At this distance, any small changes in reflected wave energy, erosion and accretion are considered to be negligible. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution. |
| Atlantic Salt meadows          | Changes in wave action resulting in erosion. Changes to accretion/deposition rates. Pollution incident during construction/operation | No impact predicted as mitigation measures are included within the proposal | The closest part of the European site that could support this habitat is on the western shore of Southampton Water 3km from the proposal. At this distance, any small changes in reflected wave energy, erosion and accretion are considered to be negligible. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution. |
| Mudflats and Sandflats         | Changes to accretion/deposition rates. Pollution incident during construction/operation  | No impact predicted as mitigation measures are included within the proposal | Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.  |

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| Coastal Lagoons   | No impacts anticipated  | No impact predicted   | None. The areas of the European site supporting coastal lagoons are located a substantial distance from the site and will not be affected by the proposals          |
| Annual vegetation of drift lines  | No impacts anticipated  | No impact predicted   | This habitat is not found in the upper reaches of Southampton Water and this interest feature will not be affected by the proposals.                                |
| Perennial vegetation of stony banks   | No impacts anticipated  | No impact predicted   | This habitat is not found in the upper reaches of Southampton Water and this interest feature will not be affected by the proposals.                                |
| Salicornia and other annuals colonising mud and sand  | Changes to accretion/deposition rates. Pollution incident during construction/operation | No impact predicted as mitigation measures are included within the proposal | Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution. |
| Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)                                     | No impacts anticipated  | No impact predicted   | This habitat is not found in the upper reaches of Southampton Water and this interest feature will not be affected by the proposals.                                |
| Desmoulin's whorl snail ( <i>Vertigo moulinsiana</i> )  | No impacts anticipated  | No impact predicted   | There is no suitable habitat within the site that would support this species and habitats that support this species will not be affected by the proposals.          |
| Watercourses of plain to montane levels with the <i>Ranunculon fluitantis</i> and Callitricho-Batrachion vegetation | No impacts anticipated  | No impact predicted   | River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 1 habitat are anticipated at this distance.                 |

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|-----------------------|---|---|--|
| Southern damselfly    | No impacts anticipated  | No impact predicted   | River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.  |
| Bullhead              | No impacts anticipated  | No impact predicted   | River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.  |
| White-clawed crayfish | No impacts anticipated  | No impact predicted   | River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.  |
| Brook Lamprey         | No impacts anticipated  | No impact predicted   | River Itchen SAC starts upstream of Woodmill Lane approximately 7km from Dock Head. No impacts on Annex 2 species are anticipated at this distance.  |
| Atlantic Salmon       | Potential impacts on adults and/or smolts in Southampton water when entering/leaving River Itchen due to noise from piling. No direct impacts on habitats within the SAC itself | No impact predicted as mitigation measures are included within the proposal | Noise piling is anticipated to affect the behaviour of the majority of individuals within 500m of piling activity. Low noise vibro-piling will be used where ground conditions allow and soft start procedures will be used for a minimum of two minutes during start-up. Piling will be undertaken between October and March, avoiding peak migratory times for salmon. |



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| Otter   | No impacts anticipated  | No impact predicted | Although this species is known to occur around industrialised parts of the coast, it is not considered likely that otter would be present around Trafalgar Docks during the construction period.  |
| Dark-bellied brent goose (Non-breeding) ( <i>Branta bernicla bernicla</i> ) | Noise during piling. Visual/human disturbance during construction | No impact predicted | Given that piling will take place within an environment already experiencing high levels of noise, and the distance separating piling activity from the SPA, no significant effects are predicted. The site is located approximately 800m from the closest area of intertidal mudflats within the SPA, separated by the main approach channel to Southampton Docks. Given this separation, no impacts are predicted as a result of visual disturbance/human activity. |
| Eurasian teal (Non-breeding) ( <i>Anas crecca</i> )                         | Noise during piling. Visual/human disturbance during construction | No impact predicted | As above  |
| Ringed plover (Non-breeding) ( <i>Charadrius hiaticula</i> )                | Noise during piling. Visual/human disturbance during construction | No impact predicted | As above  |
| Black-tailed godwit (Non-breeding) ( <i>Limosa limosa islandica</i> )       | Noise during piling. Visual/human disturbance during construction | No impact predicted | As above  |
| Mediterranean gull (Breeding) ( <i>Larus melanocephalus</i> )               | No impacts anticipated  | No impact predicted | The distance between known breeding colonies and the site is such that no impacts will occur.   |

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| Sandwich tern<br>(Breeding) ( <i>Sterna sandvicensis</i> )   | No impacts anticipated   | No impact predicted | The distance between known breeding colonies and the site is such that no impacts will occur.  |
| Roseate tern<br>(Breeding) ( <i>Sterna dougallii</i> )   | No impacts anticipated   | No impact predicted | The distance between known breeding colonies and the site is such that no impacts will occur.  |
| Common tern<br>(Breeding) ( <i>Sterna hirundo</i> )  | No impacts anticipated   | No impact predicted | Breed on Hythe pier, several kilometres from the site. Given the distance from Trafalgar dock, no impacts will occur.  |
| Little tern<br>(Breeding) ( <i>Sterna albifrons</i> )  | No impacts anticipated   | No impact predicted | The distance between known breeding colonies and the site is such that no impacts will occur.  |
| The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl | Noise during piling.<br>Visual/human disturbance during construction | No impact predicted | Construction activities may result in short-term displacement of certain bird species that form part of the wintering assemblage, e.g. cormorant and great crested grebe that may be present on the open water close to the site when activities such as piling commence.<br><br>The area is not known to support significant aggregations of these species; any displacement is likely to be localised and of limited duration. The disturbance will be similar in nature to other activities that take place within the docks. |

|  |   |  |   |
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| <p>Criterion 1: A wetland of international importance</p>  | <p>Loss of habitat. Smothering of habitats during dredging. Changes to accretion/deposition rates. Pollution incident during construction/operation</p> | <p>No impact predicted as mitigation measures are included within the proposal</p> | <p>The subtidal area affected by the dredge is 6,500m<sup>2</sup> and does not directly affect any part of the designated site. The zone of influence from increased suspended sediments in the water column is about 200m upstream. The closest estuary is approximately 3km from the zone of influence. Bed scour post construction would be highly localised in the vicinity of the new structures. A CEMP has been submitted which details measures to prevent pollution.</p> |
| <p>Criterion 2: The Ramsar site supports an important assemblage of rare plants and invertebrates.</p> | <p>No impacts anticipated</p>   | <p>No impact predicted</p>   | <p>The site and immediate environs are not known to support any rare plants or invertebrates.</p>   |

|  |  |                            |   |
|--|--|----------------------------|---|
| <p>Criterion 5:<br/>Assemblages of international importance – 51,343 waterfowl (5 year peak mean 1998/99-2002/2003).</p> | <p>Noise during piling.<br/>Visual/human disturbance during construction</p> | <p>No impact predicted</p> | <p>Construction activities may result in short-term displacement of certain bird species that form part of the wintering assemblage, e.g. cormorant and great crested grebe that may be present on the open water close to the site when activities such as piling commence.</p> <p>The area is not known to support significant aggregations of these species; any displacement is likely to be localised and of limited duration. The disturbance will be similar in nature to other activities that take place within the docks.</p> |
| <p>Criterion 6:<br/>Species/populations occurring at levels of international importance</p>                              | <p>Noise during piling.<br/>Visual/human disturbance during construction</p> | <p>No impact predicted</p> | <p>Given that piling will take place within an environment already experiencing high levels of noise, and the distance separating piling activity from the Ramsar site, no significant effects are predicted. The site is located approximately 800m from the closest area of intertidal mudflats within the Ramsar site, separated by the main approach channel to Southampton Docks. Given this separation, no impacts are predicted as a result of visual disturbance/human activity.</p>  |

MMO have considered the in-combination effects with other projects and phase 2 (Royal Pier) of the works. Due to the nature of the works which are for the relocation

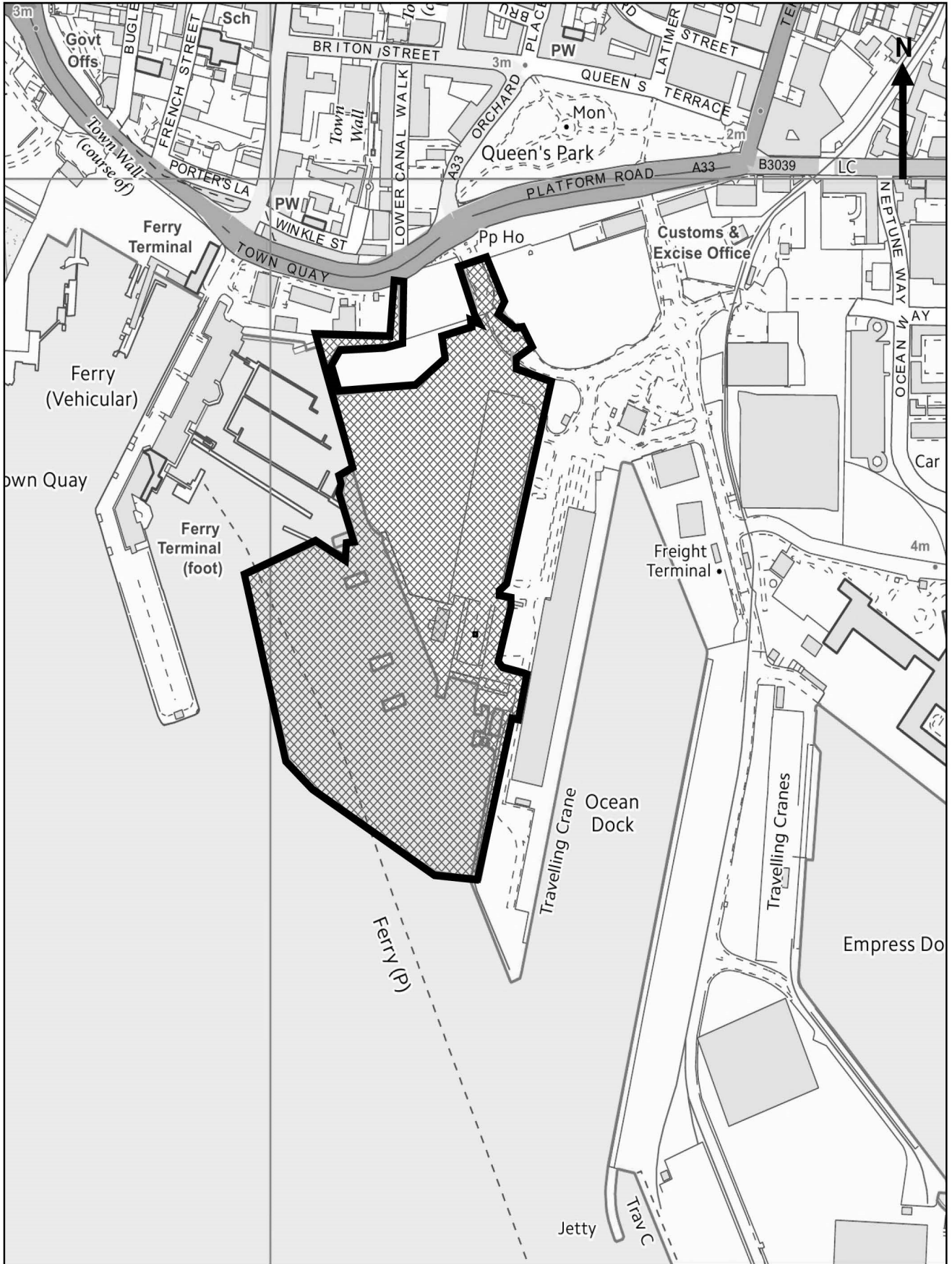
of the existing ferry terminal, there is only the potential for in-combination effects on the designated sites to occur from the construction works as the operation of the ferry terminal is an on-going activity within a large commercial port. Based on the fact that no significant effect on interest features has been identified, from either the construction or operation of the works, it is the MMO's opinion that if the mitigation measures, with reference to timing and methodology of piling and alternative disposal of contaminated dredge material are adhered to, the proposal is unlikely to have a significant effect on any SAC, SPA or Ramsar site, either individually or in-combination with other plans or projects. These mitigation measures proposed within the application will be ensured through appropriate conditions on any consents granted.

MMO advised a remediation of dredge material disposal strategy was required. The applicant has since submitted updates to the application, which proposes land disposal of 3800m<sup>3</sup> of dredge material. This proposal will reduce the amount of material being disposed to sea.

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# Agenda Item 6

## 15/00408/FUL



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# Agenda Item 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way (EAST) Panel - 19 January 2016  
Planning Application Report of the Planning and Development Manager**

|   |   |                             |   |
|---|---|-----------------------------|---|
| <b>Application address:</b><br>55 Rockleigh Road                                      |   |                             |   |
| <b>Proposed development:</b><br>Conversion of integral garage to living accommodation |   |                             |   |
| <b>Application number</b>   | 15/02126/FUL                                  | <b>Application type</b>     | FUL   |
| <b>Case officer</b>   | Anna Coombes                                  | <b>Public speaking time</b> | 5 minutes                                       |
| <b>Last date for determination:</b>   | 26/01/2016<br>(Extension of time)             | <b>Ward</b>                 | Bassett   |
| <b>Reason for Panel Referral:</b>   | 6 Objections and request from Ward Councillor | <b>Ward Councillors</b>     | Cllr L Harris<br>Cllr B Harris<br>Cllr Hannides |
| <b>Referred by:</b>   | Cllr B Harris                                 | <b>Reason:</b>              | Increased parking pressures                     |

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Applicant:</b> Mr Thomas Axton | <b>Agent:</b> None |
|-----------------------------------|--------------------|

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

|  |                |
|--|----------------|
| <b>Community Infrastructure Levy Liable:</b> | Not applicable |
|--|----------------|

**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 the development plan as required by 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 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

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

**Recommendation in Full:**

**Conditionally approve**

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

- 1.1 The application site is a modern two-storey, semi-detached dwellinghouse, located on the southern side of Rockleigh Road, near to the junction with Thornhill Road. At present, the property includes a small integral garage at ground floor level, within the front elevation, and also comprises a kitchen / breakfast room at ground floor, lounge / diner and 1 bedroom at first floor with a further 2 bedrooms within the roof. There is an area of private amenity space to the rear of the property of approximately 30m<sup>2</sup> (approximately 35m<sup>2</sup> functional amenity space, when including the private amenity space along the southwest side of the property).
- 1.2 The property is located in a residential area characterised by two-storey, semi-detached and terraced houses of various ages, some of which have integral or attached garages, but most of which have no off-street parking. There are 2 access roads providing access to the rear of properties on either side of Rockleigh Road and some properties benefit from rear parking garages here.
- 1.3 The application property currently benefits from off-road parking for one car within the existing integral garage and there is a dropped kerb to the front of the property to provide access to this garage. There is a small section of driveway between the pavement and garage entrance, however this is not large enough to accommodate a car. This property does not have parking to the rear.

## **2. Proposal**

- 2.1 Permission is sought for the conversion of the existing integral garage in order to extend existing living areas and create a dining room. The only structural alterations proposed are to remove the side-hung garage doors on the front elevation, part-infill the opening with matching brickwork, and install a tripart window to match the existing style.
- 2.2 There will be no change to the height or footprint of the building. The proposed alterations would normally be achievable under the householders' permitted development rights. Planning permission is only required for these works to this property due to Condition 7 of the original planning consent 04/00538/FUL:

*04/00538/FUL - Condition 7 - Before any dwelling unit hereby approved is occupied, both the on-site car parking and a proper vehicular access relating to it shall be provided to the satisfaction of the Local Planning Authority. The car parking shall thereafter be permanently retained for that purpose and shall not be used for any trade, business or industrial use. REASON To ensure provision of vehicular access and car parking, to avoid congestion in the adjoining area and to protect the amenities of the area.*

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March

2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

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

- 4.1 **04/00538/FUL** - Redevelopment of the site to provide a pair of semi-detached 3-bedroom townhouses with integral garages – Conditionally approved 19.08.2004

This revised application addressed the previous reasons for refusal (given below) by moving the building line further back from the pavement to give better sight lines for access to the integral garages; re-designing the roof to reduce the height and bulk of the roof and add to traditional dormer windows to the front roof slopes to integrate more with the character of the streetscene; and re-organising the layout of internal rooms to reduce the potential for overlooking of neighbouring properties.

**03/01778/FUL** - Redevelopment of the site to provide 2 x 3 bedroom town houses with integrated garages – Refused 06.02.2004:

REASON FOR REFUSAL - Character and Amenity

The proposed development is considered to be an over-development of the site and by virtue of its height, siting, design, external appearance and proximity to boundaries, represents an unduly dominant form of development that is overbearing within the streetscape, would be out of character with surrounding development within the locality and would result in an unreasonable extent of overshadowing and loss of privacy to neighbouring properties. Accordingly, it would result in an unneighbourly form of development that would result in a loss of amenity for neighbouring residents.

REASON FOR REFUSAL - Highways

The proposed development fails to provide sufficient on-site car parking, and an insufficient setback has been provided to the garages, resulting in insufficient visibility of the adjoining highway. The development will compromise the safety and convenience of users of the adjoining highway.

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

- 5.1 **Highways Development Management:** The garage proposed to be converted to a dining room is smaller than the current planning minimum size for a garage, and as a result may not be suitably sized to house a modern average sized family car. As a result, it is possible the garage does not get used for the purpose it was designed for. The forecourt area in front of the garage is of insufficient dimensions for a car to be parked on it.

Because of access to the garage, an on street parking space is lost, which can only sensibly be used by the occupier of the property in question who then has control of the blocked garage access. If the garage does not exist, then this parking space would become available for anyone to use, as no individual has a right to park in a particular place on the public highway. I therefore raise no objection to the proposal as effectively no parking space is being lost, and I cannot foresee any highway safety issue.

You may be minded to ask for a parking survey but I do not consider the proposal will materially change the circumstances of the area.

I would like to see conditions applied to any consent to ensure:

The redundant dropped kerb crossing shall be reinstated to a full height kerb and the footway levels reconstructed to suit. This work requires a licence to be obtained from Balfour Beatty our highways partners, contact Paul Clarke.

The front wall shall be reconstructed to form a boundary to the property, preventing the risk of a vehicle being parked partially obstructing the footway whilst being partially on the front forecourt of the property.

## 5.2 Notification Representations

5.2.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners). At the time of writing the report 7 representations have been received from surrounding residents (6 Objections : 1 Support) and 1 from Ward Councillor B Harris. The following is a summary of the points raised:

5.2.2 **Increased Parking Pressure: The proposal will result in the loss of one off-street parking space, resulting in additional demand for on-street parking in an area already under pressure, particularly as this is rated as a Public Transport Accessibility Level (PTAL) Low Accessibility area and due to over-spill parking from the nearby sports centre. Highways comments on the original refused application (03/01778/FUL) required 2 parking spaces, but the building only has 1 space.**

RESPONSE: The applicant has supplied a parking survey to justify the loss of the off-street parking space. This is discussed in more detail below. Local and national planning policy considerations have changed considerably since the original planning application for the application property was approved. Current Parking standards require a maximum of 2 spaces for a 3 bed house. The Council's Parking Standards Supplementary Planning Document (SPD) states that a lower provision can be proposed, and that this can be provided via both off-street and on-street parking spaces, subject to providing evidence that the surrounding roads have capacity.

The applicant has also made it clear that they do not currently use the garage, as it is too small for their car, so the current situation of them parking on the road will remain unchanged by this proposal. Although the size of the existing garage met the size standards at the time of the originally approved application, it does not meet the current required standards for an off-street garage car parking space, which have increased to 6m x 3m (adopted in 2011), recognising that car sizes have increased in the intervening years.

5.2.3 **Amenity Space and Overdevelopment: The new room could be used as an additional bedroom, increasing the number of occupants and increasing pressure on insufficient amenity space. The property could also be used as an HMO.**

RESPONSE: A condition could be applied to any consent granted to ensure the newly created room is not used as an additional bedroom, and only as stated on the submitted plans. If the owner wishes to rent the property as an HMO, they will

need to apply for planning permission to do this and a full assessment will be made at that time. The Council can control both of these issues through enforcement action.

- 5.2.4 **Design and Appearance: The change in appearance of the front elevation will unbalance these semi-detached properties. The change will be more noticeable due to the fact these properties stand forward of the building line.**

RESPONSE: Design and appearance are discussed in more detail below.

- 5.2.5 **Breach of Planning Conditions: The development, as a whole, is already in breach of various planning conditions relating to permission 04/00538/FUL.**

RESPONSE: The Council's Building Control records show that the building work was approved and a completion certificate for the development issued on 27<sup>th</sup> April 2006. Given that more than 4 years have passed since this date, the development would be immune from enforcement action relating to this original planning permission. Furthermore, there have been no previous enforcement complaints regarding the development.

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

- 6.1 The determining issues for this application relate to; a) whether the proposed conversion of the garage is acceptable in principle; b) whether the proposed development would have a harmful impact on parking in the local area; c) whether the proposal would have a harmful impact upon the character of the property or local area; and d) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling.

### **6.2 Principle of Development**

The proposal to convert the existing garage into internal living accommodation would not result in changes to the size or footprint of the building and is not considered to have a significant impact on the visual appearance of the property. As such, the proposal is considered to be acceptable in principle.

### **6.3 Impact on Parking in the Local Area**

- 6.3.1 As discussed briefly above, the originally approved application 04/00538/FUL included a condition requiring the retention of the existing integral garage (Condition 7). This was in order to retain control of the impacts of new development on parking in the local area. As a result of this condition, this current application has been submitted for consideration.

- 6.3.2 The application site is located in a low Public Transport Accessibility Area, with unrestricted parking along Rockleigh Road and nearby Thornhill Road. The property currently provides one off-street car parking space within the existing integral garage, however this off-street parking space falls below the current minimum standards for garage parking spaces. As a result of this application, the off-street garage parking space will be lost, but an additional on-street parking space will be gained by re-instating part of the dropped kerb in front of the existing garage. On-street parking spaces are not allocated to particular properties,

however the overall gain in one car parking space being made available within the road is considered to balance this loss of an off-street parking space.

6.3.3 It is noted that the application site is very close to the junction with Thornhill Road, so it is not unreasonable to assume that occupants of the application property could comfortably use spaces here, where there is greater available parking capacity, rather than Rockleigh Road, where there is more pressure on on-street parking.

6.3.4 The applicant has provided a parking survey to support their application, following the recommended Lambeth Model methodology, which reviews the parking capacity within a 200m walking distance radius of the application site. In summary, the survey recorded the following levels of occupied parking spaces:

|                                   |             |                    |                    |
|-----------------------------------|-------------|--------------------|--------------------|
| Tuesday 29 <sup>th</sup> December | 18:15–19:00 | Rockleigh Road 73% | Thornhill Road 52% |
| Saturday 2 <sup>nd</sup> January  | 16:15–16:45 | Rockleigh Road 67% | Thornhill Road 41% |
| Sunday 3 <sup>rd</sup> January    | 00:30–01:00 | Rockleigh Road 87% | Thornhill Road 33% |

6.3.5 The survey demonstrates that there is still a reasonable level of parking capacity remaining in Rockleigh Road itself and ample parking capacity available in Thornhill Road, and reinforces the brief assessment made on site visit that there is sufficient capacity in the local area to accommodate an additional car parked on the street without causing significant harm to the amenity of local residents, or creating additional highway safety concerns (Thursday 3<sup>rd</sup> December 07:50 – 08:10 Rockleigh Road approximately 77% Thornhill Road approximately 50%). Furthermore, the release of additional parking capacity for one car at the front of the property, by removing the garage and re-instating the dropped kerb, will also have a neutral impact on parking capacity.

#### 6.4 Impact upon the Character of Existing Property and the Local Area

6.4.1 The proposed tripart window will follow the proportions of the existing double garage doors in width, with the lower section of the garage opening infilled with matching brickwork. The specifications for this window and the infill brick are proposed as matching the colour, style and detailing of the existing windows and brickwork on the property and this can be secured by condition.

6.4.2 It is noted that the existing building is forward of the general building line in the street and that the existing semi-detached pair mirror each other in positioning of windows and garage doors, however the proposed window will retain this rhythm of window and door openings on this elevation by following the width of the existing garage doors. There is already some difference between the front elevations of these two properties by the use of garage doors with partial glazing to number 57 and the use of plain wooden garage doors to number 55.

6.4.3 It is also worth noting that there are very different types of dwelling and window treatments on either side of the property and on the opposite side of the road, so there is no clear uniform design character in the immediate area. Given the details discussed above, it is not considered that the proposal would be significantly harmful to the character of the property or the local area.

#### 6.5 Impact upon Residential Amenity

No new side-facing windows are proposed and there are no changes to the size

or footprint of the existing building. There will be a new ground floor window introduced to the front elevation, which will light a habitable room, however there are no residential properties opposite the application site, so this is not considered to cause any significant increase in overlooking, therefore the proposal is not considered to present any significant harm to the residential amenity of neighbouring properties. Similarly, there will be minimal impact on the existing usable amenity space as a result of the development and, therefore, the amenity of the occupants of the host dwelling shall not be harmed.

## **7. Summary**

- 7.1 The applicant has demonstrated that there is capacity in the local area for additional on-street parking without harm to residential amenity or highway safety, and the proposal will have a neutral impact on on-street parking in the vicinity. This proposal does not increase the size or footprint of the existing building and the proposed materials and window design respect the existing materials and visual rhythm of the front elevation, so the proposal is not considered out of character with the property or the wider streetscene. In addition to this, there will be no harm caused to the residential amenity of neighbours caused by overlooking, or to the occupiers of the host dwelling caused by impact on the rear amenity space.

## **8. Conclusion**

The proposal for conversion of the existing garage into internal living accommodation is considered to be acceptable in principle as unacceptable harm shall not be caused to neighbouring amenity or highway safety. In addition the design is sympathetic to the character of the property, and the amenity of the occupants of the host dwelling shall not be harmed. For these reasons the scheme can be supported.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d) and 4(f)

### **AC for 19/01/16 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. Full Permission Timing Condition**

The development hereby permitted shall begin no 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. Materials to match**

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

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

### **03. 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.

### **04. Limitation on number of bedrooms**

The new internal space labelled "Dining Room" on the approved plans for the conversion hereby approved shall only be occupied as a communal area and shall not be occupied as an additional bedroom without the grant of further specific permission from the Local Planning Authority.

Reason: To control the number of occupants of the property to protect the residential amenity of both the occupiers of the host dwelling and neighbouring residents.

### **Note to Applicant**

The redundant dropped kerb crossing in front of the garage conversion hereby approved should be reinstated to a full height kerb and the footway levels reconstructed to suit. Please note that this work requires a licence to be obtained from the Highways Authority.



**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

CS19 Car and Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development

SDP5 Parking

SDP7 Urban Design Context

SDP9 Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Adopted - September 2006)

Parking Standards (Adopted – October 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)



# Agenda Item 8

**Planning, Transport & Sustainability Division  
Planning and Rights of Way (EAST) Panel - 19 January 2016  
Planning Application Report of the Planning and Development Manager**

|  |                                   |                             |   |
|--|-----------------------------------|-----------------------------|---|
| <b>Application address:</b><br>62 Colby Street   |                                   |                             |   |
| <b>Proposed development:</b><br>Change of use from a dwelling house (class C3) to a house in multiple occupation (HMO, class C4) (retrospective) |                                   |                             |   |
| <b>Application number</b>  | 15/02047/FUL                      | <b>Application type</b>     | FUL   |
| <b>Case officer</b>  | Anna Coombes                      | <b>Public speaking time</b> | 5 minutes                                   |
| <b>Last date for determination:</b>  | 26/01/2016<br>(Extension of time) | <b>Ward</b>                 | Redbridge                                   |
| <b>Reason for Panel Referral:</b>  | Request from Ward Councillor      | <b>Ward Councillors</b>     | Cllr Pope<br>Cllr McEwing<br>Cllr Whitbread |
| <b>Referred by:</b>  | Cllr Pope                         | <b>Reason:</b>              | Increased parking pressures                 |

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Applicant:</b> Mr Geoff Ibbett | <b>Agent:</b> None |
|-----------------------------------|--------------------|

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

|  |                |
|--|----------------|
| <b>Community Infrastructure Levy Liable:</b> | Not applicable |
|--|----------------|

**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 the development plan as required by 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 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

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

**Recommendation in Full:**

**Conditionally approve**

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

- 1.1 The application site is a two-storey, end-of-terrace dwelling with a room in the roof, located within the recently completed development, Compass Point, on the former Ordnance Survey Headquarters site. The property comprises a kitchen / breakfast room and separate living / dining room at ground floor, 2 x double and 1 x single bedrooms at first floor with a further en-suite double bedroom within the roof. There is one off-street car parking space to the front of the property and an area of private garden amenity space to the rear of the property of approximately 50m<sup>2</sup> including a shed on the rear boundary.
- 1.2 The property is located in a modern residential estate characterised by two-storey, terraced houses, each benefitting from one off-street car parking space to the front of the property. There are laybys and unallocated parking spaces scattered throughout the estate providing first-come, first-served car parking for visitors and overspill residents' parking.
- 1.3 There is an education centre nearby on Green Lane: the Oasis Academy Lordshill Community Hub / Pre-School / Down to Earth Farm.

## **2. Proposal**

- 2.1 Retrospective permission is sought for the conversion of this C3 family dwelling to a C4 house of multiple occupation (HMO) for 4 people. The dwelling has been in use as a C4 HMO since 8<sup>th</sup> January 2015, so the actual impact of the proposed change can be assessed. There are no structural alterations proposed.
- 2.2 There will be no change to the size or footprint of the building. The proposed change of use would normally be achievable under a householders' permitted development rights, however planning permission is required for proposals such as this in Southampton due to a city-wide Article 4 Direction, put in place by the Council on 23<sup>rd</sup> March 2012, which revoked these permitted development rights.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Core Strategy CS16 and Saved Local Plan policy H4 are relevant to the determination of planning applications for the change of use to HMOs. Policy CS16 of the Core Strategy states that the contribution that the HMOs makes to meeting housing need should be balanced against the impact on character and amenity of the area. Saved policy H4 of the Local Plan requires new HMOs to respect the amenities of neighbouring properties and the character of the area

and to provide adequate private and useable amenity space.

- 3.4 The Houses in Multiple Occupation SPD (HMO SPD) was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms assessing the impact of HMOs on the character and amenity and mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Redbridge which is measured from the application site within a 40m radius or the 10 nearest residential properties (section 6.5 of the HMO SPD refers).

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

- 4.1 **13/00962/MMA** – Amendment to previous planning permission reference 11/01994/FUL for the redevelopment of the site to provide 193 dwellings (the change relates to the design and size of 13 houses)

**12/01772/MMA** – Amendment to previous planning permission reference 11/01994/FUL for the redevelopment of the site to provide 193 dwellings (the change relates to the design and size of 19 houses - Refused 28.01.2013)

**11/01994/FUL** – Redevelopment of the site to provide 193 dwellings (113 houses and 80 flats) within 2, 3 and 4 storey buildings and conversion of Crabwood House with associated access, parking and landscaping works (as amended by plans received 27.02.2012) – Conditionally approved 28.06.2012

**07/01700/OUT** - Redevelopment of the site to provide a mixed use scheme comprising refurbishment of Compass House for business use (Class B1); a new business enterprise centre (Class B1) new light/general industrial unit (Class B1/B2); new retail and food & drink use (Classes A1, A3, A4 & A5); new nursing home/clinic/surgery (Class C2/D1); open space and 495 residential units (361 flats and 134 houses) - outline application seeking approval for layout and access. As amended by plans received 26.03.08 and 17.02.10) – Conditionally approved 02.12.2010

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

- 5.1 **Highways Development Management:** There are no objections to the proposal on grounds of highway safety. The main concern is for the impact on the amenity of local residents, due to increased pressure on unallocated parking spaces. The parking survey conducted accords with the Lambeth model and suggests that there is capacity to accommodate any potential overspill parking. The roads within the residential estate are un-adopted, so the management of the roads and parking arrangements are under the control of the developer.

##### **Notification Representations**

- 5.2 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners). At the time of writing the report **3** representations have been received from surrounding residents (3 Objections) and **1** from Ward Councillor A Pope. The following is a summary of the points raised:

**5.3 Increased Parking Pressure: The proposal will result in an increase in the intensity of use of the property, resulting in additional demand for parking in an area already under pressure.**

RESPONSE: The parking standards set out in the Houses in Multiple Occupation Supplementary Planning Documents requires a maximum of 3 spaces for a 4 bed house. In a similar way, the Parking Standards Supplementary Planning Document also permits a maximum of 3 spaces for C3 dwellings. The adopted policies permit the provision of less parking than the maximum standard, via both off-street and on-street parking spaces, subject to the accessibility of the site and the applicant providing evidence that the surrounding roads have capacity to accommodate over-spill car parking. The applicant has supplied a parking survey to demonstrate that there is sufficient capacity in the surrounding area to accommodate additional on-street parking. Furthermore, as the site lies within approximately 200 metres of the high-accessibility bus corridor at the Lordshill District Centre, the level of car parking is considered to be acceptable.

**6. Planning Consideration Key Issues**

6.1 The determining issues for this application relate to; a) whether the proposed change of use from a C3 family dwelling to a C4 HMO is acceptable in principle; b) whether the proposed development would have a harmful impact on parking in the local area; c) whether the proposal would have a harmful impact upon the character of the property or local area; and d) whether the proposal would have a harmful impact upon the residential amenities of surrounding neighbours or the occupants of the host dwelling.

6.2 Principle of Development

6.2.1 When assessing applications for the conversion of a property into a HMO, policy CS16 (2) is applicable where internal conversion works limit the buildings' ability to be re-used as a C3 dwelling house in the future. The proposed conversion does not involve any alterations to the existing property and would retain the layout and facilities associated with a single-family dwelling. As such, its use could readily change back to a single-family dwelling house in the future. The proposal does not, therefore, result in the net loss of a family home and the proposal would be in accordance with policy CS16 of the Core Strategy. The proposed development is also in accordance with saved policies H1 and H2 of the Local Plan which support the conversion of existing dwellings for further housing and require the efficient use of previously developed land. As confirmed by Core Strategy Policy CS16, the proposed HMO use meets a recognised housing need for single person households or for those with lower incomes and is therefore, acceptable in principle.

6.3 Impact on Parking in the Local Area

6.3.1 The application site is located in a low Public Transport Accessibility area, although is approximately 200 metres from the High Accessibility bus corridor at Lordshill District Centre. The roads within the Compass Point development are private, not adopted by the Council's Highways Department, so the management of these roads is under the control of the developer. The design of these roads is a version of the home-zone style, with no designated pavements and a reduced road width, in an attempt to make drivers more aware of their surroundings and



give more priority to pedestrians.

6.3.2 The property currently provides one off-street car parking space on the front driveway (although some local residents manage to park two cars on their driveway, end-to-end). As a result of this application, the number of occupants will not increase, but the use of a C4 HMO property can be more intensive than that of a C3 family dwelling, generating more independent trips. It is worth noting, however, that this is a retrospective application, so the impact of this intensification of use is unlikely to change significantly from the existing situation experienced on site during the last year.

6.3.3 The applicant has provided a parking survey to support their application, following the recommended Lambeth Model methodology, which reviews the parking capacity within a 200m walking distance radius of the application site. In summary, the survey recorded the following levels of occupied parking spaces:

|                                     |             |     |
|-------------------------------------|-------------|-----|
| Monday 14 <sup>th</sup> December    | 15:00–15:30 | 35% |
| Tuesday 15 <sup>th</sup> December   | 00:30–00:45 | 63% |
| Tuesday 15 <sup>th</sup> December   | 14:45–15:00 | 30% |
| Wednesday 16 <sup>th</sup> December | 00:30–00:45 | 63% |
| Wednesday 16 <sup>th</sup> December | 14:30–14:45 | 63% |

6.3.4 The survey demonstrates that there is still a reasonable level of parking capacity remaining in Colby Street and the surrounding roads, and reinforces the assessment made on site visit that there is remaining capacity in the local area to accommodate additional cars without causing significant harm to the amenity of local residents, or creating additional highway safety concerns.

#### 6.4 Impact upon the Character and Amenity

6.4.1 There are no structural changes proposed to the building, and no changes to the visual appearance of the property, so the impact on character and amenity comes from the change in the intensity of use of the property. The proposal is for a modest-sized HMO of up to 4 people, with no increase in the number of bedrooms in the property.

6.4.2 The HMO SPD sets out that for the Redbridge ward, in which the application site is located, the maximum number of HMOs within a 40 metre radius of the application property should not exceed 20%. As such, if the percentage of HMOs within a 40m radius exceeds 20%, applications for additional HMOs will be refused for being contrary to policy.

6.4.3 26 properties were identified within a 40m radius of the application site. Based upon information held by the City Council's Planning, Council Tax and Licensing departments, it has been identified that there are no HMOs within the area at the current time. When the application site is included, there would be 1 HMO out of the 26 properties within the 40m radius or 4%. This is below the 20% threshold.

6.4.4 The threshold approach, as set out in the HMO Supplementary Planning Document (HMO SPD), is a key way to manage the impacts of HMOs on residential amenity. 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, since no more than 4 residents would occupy the

property at any one time whilst it is being used as a HMO. Furthermore, having regard to the location of the site, remote from the city's universities, the applicant has confirmed the intention for the HMO to accommodate professionals which would be more conducive to the character of the area. It is also important to note that the Council's Environmental Health Team have not received any complaints regarding the use of the property. 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.

- 6.4.5 Although it is recognised that HMO properties generally generate more 'comings and goings' than a family dwelling, there are no other HMOs recorded within in a 40m radius of the front door of the application site, and this HMO use has now been in operation for approximately 1 year with little impact on the surrounding area. Taking this into account, along with the modest size of the HMO and the fact that the number of occupants can be controlled by condition, it is not considered that the proposal will result in significant harm to the character of the area or the surrounding residents.

## 6.5 Quality of the Residential Environment

- 6.5.1 The proposal retains the communal rooms in the property and all habitable rooms have good quality outlook from windows. Residents have access to a private and useable garden, the size of which complies with the Council's Residential Design Guide. There will be no negative impact on the existing private amenity space to the rear, or the provision of internal living accommodation as a result of the development and, therefore, the amenity of the occupants of the host dwelling shall not be harmed. Refuse and recycling bin storage and collection will continue to operate as per the existing arrangements. Secure, covered, cycle storage is available within the existing shed in the rear garden and further details of this provision can be obtained via condition.

## 7. 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 highway safety. The applicant has demonstrated that there is capacity in the local area for additional parking without harm to residential amenity or highway safety. This proposal does not increase the size or footprint of the existing building and there are no changes to the visual appearance of the building. In addition to this, the proposal is for a modest sized HMO with a known low impact on the local area, so the proposal is not considered out of character with the property or the local area. It is not considered that there will be any significant harm caused to the residential amenity of neighbours caused by overlooking, or to the occupants of the host dwelling caused by impact on the rear amenity space or internal living accommodation.

## 8. Conclusion

- 8.1 The proposal for the change of use of the property from a C3 family dwelling to a C4 HMO is considered to be acceptable in principle, as unacceptable harm shall not be caused to neighbouring amenity or highway safety. In addition, the change of use is not considered to cause harm to the character of the property or local area, and the amenity of the occupants of the host dwelling shall not be harmed.



For these reasons the scheme can be supported.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**  
1(a), 1(b), 1(c), 1(d), 2(b), 2(d) and 4(f)

**AC for 19/01/16 PROW Panel**

**PLANNING CONDITIONS**

**01. 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. Limitation on number of occupants**

The property shall be occupied by no more than 4 people without the grant of further specific permission from the Local Planning Authority.

Reason: To control the number of occupants of the property to protect the residential amenity of both the occupiers of the host dwelling and neighbouring residents.

**03. Room restrictions**

The lounge / dining room / kitchen and bathrooms shall remain as communal space for the occupiers of the dwelling throughout the occupation of the building as a Class C4 HMO 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. Permitted Development Restriction**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

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

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

Class E (curtilage structures).

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site and in the interests of the comprehensive development and visual amenities of the area.

**05. Cycle storage facilities**

The cycle storage facilities shall be made available for use and retained in accordance with the agreed details whilst the property is in residential use.

Reason: To encourage cycling as an alternative form of transport.

**06. Refuse & Recycling**

The storage for refuse and recycling containers shall be made available for use and retained whilst the property is in residential use.

Reason: In the interest of visual and residential amenity.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

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

City of Southampton Local Plan Review – (as amended 2015)

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

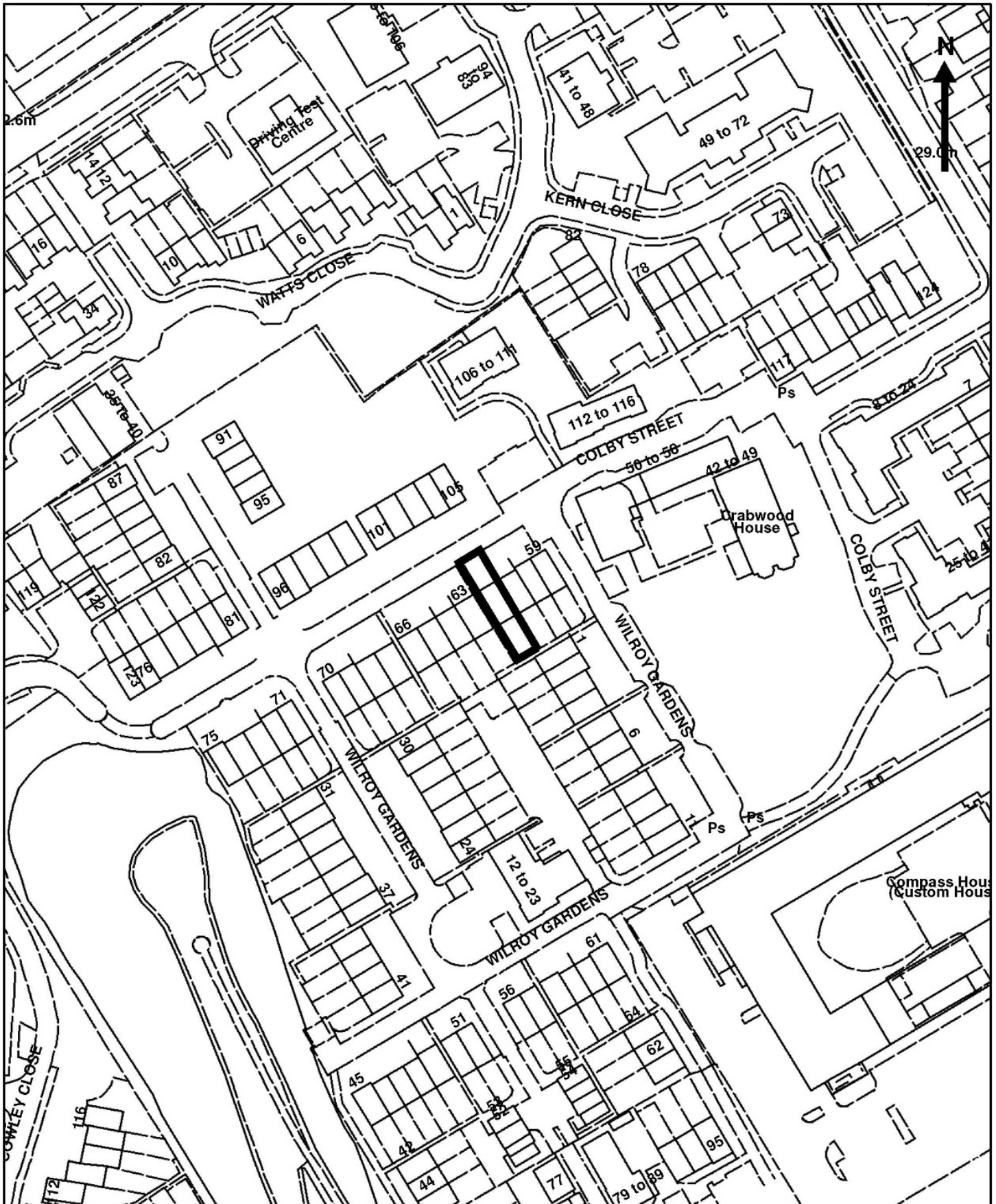
Supplementary Planning Guidance

Residential Design Guide (Adopted - September 2006)

Parking Standards (Adopted – October 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)



Scale: 1:1,250

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# Agenda Item 9

**Planning, Transport & Sustainability Division  
Planning and Rights of Way (EAST) Panel - 19 January 2016  
Planning Application Report of the Planning and Development Manager**

|  |  |                             |   |
|--|--|-----------------------------|---|
| <b>Application address:</b><br>Unit 3 Winchester Street and 3-4 Vernon Walk, SO15 2EL  |  |                             |   |
| <b>Proposed development:</b><br>Variation of Condition 2 of planning consent ref. 09/00636/FUL to allow operational hours of 8.00am - 2.00am Monday to Thursday, 8.00am - 3.00am Friday, Saturday and Bank Holidays and 10.00am - 2.00am on Sundays (Ground Floor, Unit 3 Winchester Street) and to reduce operational hours to 8.00am -12.00am Monday to Saturday and 10.00am - 12.00am on Sundays and Bank Holidays (3-4 Vernon Walk). |  |                             |   |
| <b>Application number</b>  | 15/02217/FUL                                 | <b>Application type</b>     | FUL   |
| <b>Case officer</b>  | Stuart Brooks                                | <b>Public speaking time</b> | 5 minutes   |
| <b>Last date for determination:</b>  | 06.01.16                                     | <b>Ward</b>                 | Bevois  |
| <b>Reason for Panel Referral:</b>  | Five letters of objection have been received | <b>Ward Councillors</b>     | Cllr Burke<br>Cllr Rayment<br>Cllr Barnes-Andrews |

|                            |                                |
|----------------------------|--------------------------------|
| <b>Applicant:</b> Mr Islam | <b>Agent:</b> SDA Planning Ltd |
|----------------------------|--------------------------------|

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

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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 of the City of Southampton Local Plan Review (March 2015) and AP8 of the City Centre Action Plan (March 2015).

|                          |                              |   |                           |
|--------------------------|------------------------------|---|---------------------------|
| <b>Appendix attached</b> |                              |   |                           |
| 1                        | Development Plan Policies    | 2 | Relevant Planning History |
| 3                        | 14/00392/FUL appeal decision |   |                           |

### Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to:

1. The submission of a satisfactory Capacity Management Plan, setting out how the capacity of the premises will be monitored and recorded to accord with the agreed levels.

2. The completion of a S.106 Legal Agreement to secure reduction in opening hours on 3-4 Vernons Walk site and the implementation of a Capacity Management Plan.

3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

4. In the event that a satisfactory Management Plan is not provided or that the legal agreement is not completed within two months of the Planning and Rights of Way Panel meeting, the Planning and Development Manager be authorised to refuse permission on the ground of failure to demonstrate that the proposal would not result in a harmful intensification of late night noise and disturbance and failure to secure the provisions of the Section 106 Legal Agreement.

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

1.1 The site is located within the City Centre (Bevois Ward) in the Bedford Place area. The area is designated as an evening zone under the Night Time Economy policy within the City Centre Action Plan.

1.2 The immediate area is predominantly commercial in nature, generally consisting of rear elevations and service areas to buildings fronting London Road and Carlton Place, to the south is Salisbury House consisting of a number of bars. Residential development is located in close proximity, including flatted development on the nearby Mede House site.

1.3 The site consists of a part single-storey/ part two storey, end-terrace building which fronts Winchester Street, located in close proximity to the junction with Carlton Place. The building is currently occupied by a restaurant use (Class A3) and a drinking establishment (Use Class A4) approved under application 08/01219/FUL which contains the Buddha Lounge. The Buddha Lounge is permitted to operate until midnight.

1.4 The application site also incorporates the premises 3-4 Vernon Walk, containing a nightclub, the Buddha Club, which is also owned by the applicant. The nightclub is an established use, unfettered by planning conditions. The trading hours of the Buddha Club licensed by the Council are:

Monday: 09:00 - 02:00

Tuesday: 09:00 - 02:00

Wednesday: 09:00 - 02:00

Thursday: 09:00 - 02:00

Friday: 09:00 - 03:00

Saturday: 09:00 - 03:00

Sunday: 09:00 - 01:00

## **2.0 Proposal**

2.1 Through the variation of condition 2 under permission 09/00636/FUL, this application seeks permission to extend the hours of the Buddha Lounge restaurant and drinking establishment (as below) through swapping the current trading hours with the adjoining premises Buddha Club, whilst enforcing formal midnight closing hours for the Buddha Club.

- 2.2 The hours for the Buddha Lounge restaurant and drinking established are therefore proposed to be:  
Monday to Thursday: 8.00am - 2.00am  
Friday, Saturday and Bank Holidays: 8.00am - 3.00am  
Sundays: 10.00am - 2.00am

Whilst the hours for the Buddha Club are proposed to be restricted to:  
Monday to Saturday: 8.00am -12.00am  
Sundays and Bank Holidays: 10.00am - 12.00am

- 2.3 The intention to swap the hours between the premises is sought by the applicant to focus the activities from the Buddha Club to the Buddha Lounge, where the latter is a more viable business venture for the applicant, and in turn reduce the management issues of patrons when leaving the Buddha Lounge at midnight to use the Buddha Club.

### **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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Policy AP8 (Night time economy) identifies the Bedford Place area as an evening zone subject to the restricting the opening hours till midnight. The policy acknowledges that the city centre is an appropriate location for late night uses.

### **4.0 Relevant Planning History**

- 4.1 Unit 3-4 Vernon Walk (Buddha Club) currently operates beyond the policy set hours, being licensed to closed at 2am on Monday to Thursdays, 3am on Friday and Saturday, and 1am on Sunday. The operation hours of the premises cannot be controlled, given that there is no planning condition attached to the use.
- 4.2 Unit 3 Winchester Street (Buddha Lounge) is a late night entertainment premises which is authorised to trade till midnight. The applicant was refused permission in 2010 (ref no. 10/01489/FUL) and 2014 (ref no. 14/00392/FUL) to extend the trading hours beyond midnight (**see Appendix 2**). The latter application was then dismissed at appeal (**see Appendix 3**).

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (24.11.2015). At the time of writing the report **5** representations have been received from surrounding residents. The



following is a summary of the points raised:

- 5.1.1 **Late night disturbance to adjacent residential properties including families and nearby local residents in addition to the cumulative disturbance from other late night uses in the vicinity. Increase to the number of patrons walking through surrounding streets after midnight adding to the incidences of anti-social behaviour and alcohol related crime.**

Response

Officers are satisfied that the applicant has demonstrated that the trading of hours between the premises would not be materially different in terms of the capacity of both premises, subject to the capacity of the Buddha Lounge being limited. As such, by limiting the trading hours of the Buddha Club till midnight it is considered that there would be no adverse impact on the amenities on local residents. Conditions will be used to mitigate noise breakout during the late hours including an opening restriction on the bi-fold doors, and the removal of the internal door between the premises.

- 5.1.2 **Contrary to policy AP8.**

Response

Each application should be assessed on its own individual merits. It is considered that the trading of the opening hours between the Buddha Lounge and Buddha Club would not be contrary to this policy given that this would not result in an intensification in late night uses if the Capacity Management Plan is secured, since the planning department gains control over the hours of operation of the Buddha Club, which would reduce their trading hours accordingly.

5.2 **Consultation Responses**

- 5.2.1 **SCC Environmental Health (Pollution & Safety) - No objection.**

- 5.2.2 **Hampshire Constabulary – No objection.**

- 5.2.3 **Police Licensing – No objection.** The limit of patrons as set out by the applicant can be specified in the premises license.

6.0 **Planning Consideration Key Issues**

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

- The principle of development and;
- Impact on Character and Amenities of the Local Area.

6.2 Principle of Development

- 6.2.1 Policy AP8 intends to limit the hours of premises trading within the Bedford Place area to no later than midnight in the interests of protecting the amenities of the neighbouring occupiers from late night noise and disturbance as patrons leave the Bedford Place area and walk through the surrounding residential streets once the premises are closed.

- 6.2.2 Since 2006, when the Local Plan Review was originally adopted, the planning



department has taken a consistent approach to new applications to increase hours of operation in the Bedford Place area and typically restricts hours of operation to close no later than midnight. This approach has also been consistently supported by appeal inspectors. In a similar way, previous applications have been refused to extend the trading hours of the application site beyond midnight and an appeal of the refusal has been dismissed (**Appendix 3**). This planning approach has partly influenced the current proposal for an hours of operation swap between the two premises. Notwithstanding the planning history of the site and the area, this application is materially different in circumstances to that previously considered and, therefore, should be assessed on its own merits.

6.2.3 It is considered that the trading of the opening hours between the Buddha Lounge and Buddha Club would not be contrary to Policy AP8 given that this would not result in an intensification of late night activity in the area. This is particularly since the planning control over the hours of operation for the Buddha Club would be introduced, which is currently unfettered by planning conditions. Therefore, the principle of the development is acceptable. This is subject, however, to the amenities of the nearby residents not being materially harmed.

### 6.3 Impact on Character and Amenity

6.3.1 The reports from local residents of anti-social behaviour caused by patrons within and leaving the Bedford Place area are noted and subject to the recommendation to reduce the hours of operation of the Buddha Club by section 106 agreement, are considered to be addressed. As noted above, there is currently a management issue regarding the movement of patrons from the Buddha Lounge to the Buddha Club once it closes. As Buddha Lounge is the more intensively used premises, once it closes, patrons that leave then queue for the Buddha Club within Vernon Walk, resulting in noise and disturbance to surrounding residents. Given that Buddha Club is less intensively used, it is considered that proposal will reduce the effect of the movement of patrons between the two venues following its closure at midnight. The Police and Environmental Health have not raised a concern with the proposed approach in terms of there being any further harm arising to the amenities of nearby residents.

6.3.2 The applicant intends to operate the Buddha Lounge beyond the current licensing hours on the Sunday till 2am, however, to be consistent with the licensing hours, a 1am closing time should be imposed.

6.3.3 The Buddha Lounge has a maximum capacity of 680 people and the Buddha Club has 380. Recognising the greater capacity at the Buddha Lounge, the applicant has offered to limit the number of patrons to 400. As a result, there would not be a significant increase in activities from the 20 additional persons and would therefore not adversely affect the amenities of the neighbouring occupiers. That said, it needs to be demonstrated, before planning permission is granted, that a condition limiting the number of patrons could be easily monitored and recorded, in the event of any potential Enforcement complaints in the future. As such, the recommendation to approve is subject to the receipt of a satisfactory Management Plan which demonstrates how the capacity will be monitored and recorded, to ensure that a planning condition restricting capacity is enforceable. The implementation of the Management Plan will then be secured by section 106 agreement to ensure that it is adhered to in perpetuity.

- 6.3.4 To protect the immediate occupiers from late night disturbance, the existing bi-fold windows on the ground floor shall remain closed shut between 10.00pm and closing time to minimise noise outbreak.
- 6.3.5 A Gampian style condition can be used to ensure that the internal door between the Buddha Lounge and Club is removed prior to the proposed hours of operation taking effect. This would ensure that patrons could not move internally between the two premises, ensuring that the operating hours of the two premises remains distinctive.
- 6.3.6 The applicant will be required to enter into a S106 legal agreement to secure reduction in opening hours on 3-4 Vernon Walk site (Buddha Club). It is recommended that the agreement be secured by officers following a resolution by the Panel to grant permission.

## **7.0 Summary**

- 7.1 As such, it is considered that the trading of hours between the two premises would not arise in material harm to the character and amenities of the local area subject to the capacity of the premises being controlled to prevent an intensification of the late night use. Further controls can be imposed on the operation of Buddha Lounge to minimise late night noise and disturbance from premises, whilst the Local Planning Authority will gain planning control over the trading hours of the Buddha Club. The proposal can therefore be supported for approval.

## **8.0 Conclusion**

- 8.1 In conclusion, the proposal is judged to have an acceptable impact in accordance with the relevant policies and guidance and therefore is recommended for approval subject to the conditions sets out below and the completion of the section 106 legal agreement.

### **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) 6 (c), 7 (a), 9 (a) and (b)

### **SB for 19/01/16 PROW Panel**

## **PLANNING CONDITIONS**

### **01. Full Permission Timing Condition**

The development hereby permitted shall begin no 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. Hours of Use**

The ground floor A4 use of 'Unit 3 Winchester Street' hereby approved shall not operate outside the following hours:

Monday to Thursday - 09.00 to 02.00 hours;

Friday and Saturday - 09.00 to 03.00 hours;  
Sunday and recognised public holidays - 09.00 to 01.00 hours;

Other than as outlined in the other conditions set out in this decision notice, all other uses and activities shall continue in accordance with the requirements of the conditions outlined under application 09/00636/FUL.

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

### **03. Separate planning units & Removal of Internal Door**

The hours of use hereby approved shall not commence until the existing internal doorway between the Unit 3 Winchester Street and Unit 3-4 Vernon Walk is removed and is reinstated with a solid wall integral to the building fabric. The units known as unit 3-4 Vernon Walk and unit 3 Winchester Street shall operate as two separate planning units at all times. There shall be no internal access between the separate premises at any time.

REASON: In the interests of protecting the amenities of the local residents. This would ensure no concealment of patrons going between the adjoining premises at 3-4 Vernon Walk ceases trading at midnight.

### **04. Capacity**

The capacity of the Buddha Lounge at Unit 3 Winchester Street, shall not exceed 400 patrons at any one time.

REASON: In the interests of protecting the amenities of neighbouring occupiers by limiting the maximum capacity of the premises.

### **05. Bi-fold doors restriction**

The existing bi-fold windows on the ground floor of unit 3 Winchester Street shall remain closed shut between 10.00pm and closing time.

Reason: In the interests of protecting the amenities of neighbouring occupiers from undue late night noise disturbance.

### **06. Approved Plans**

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS1            City Centre Approach

City of Southampton Local Plan Review – (as amended 2015)

SDP1            Quality of Development

SDP7            Urban Design Context

SDP9            Scale, Massing & Appearance

City Centre Action Plan - March 2015

AP 8            The Night time economy

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Other Relevant Guidance

The National Planning Policy Framework (2012)

**Relevant Planning History**

14/00392/FUL - Change of use of the ground floor to a Restaurant/Drinking Establishment (Class A3/A4) with an extension of opening hours on Monday-Saturday from 08:00-00:00 to 08:00-01:00, and Sundays and Public Holidays from 10:00-00:00 to 10:00-01:00 [description amended following validation] - REF. Dismissed at appeal (ref no. APP/D1780/A/14/2228297)

**Reason - The nature of the proposed mixed-use is considered to be reliant upon extending the hours of the existing bar use, whereby a material change of use to A4 use is likely to occur given the exclusive nature and intensity of the late night entertainment activities and alcohol consumption proposed. As such, the nature and intensity of comings and goings associated with the proposed use in a location nearby residential properties extended further into the early hours of the morning would therefore materially harm the residential amenities of neighbours by reason of noise and disturbance as patrons leave the premises and disperse into the surrounding residential areas. Furthermore, the proposal in conjunction with other similar application proposals that would likely follow would set a precedent for late opening of other premises within the vicinity of the site would create a cumulative harmful impact on the residential amenity.**

10/01489/FUL - Variation of Condition 2 of planning permission 09/00636/FUL to allow opening of the ground floor A4 use between 8.00 - 1.00 on Fridays and Saturdays - REF

**Reason - The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise and disturbance as patrons leave the premises and disperse into the surrounding residential areas. Furthermore, the proposal in conjunction with other similar application proposals that would likely follow would set a precedent for late opening of other premises within the vicinity of the site would create a cumulative harmful impact on the residential amenity.**

09/00636/FUL - Internal alterations and creation of external roof terrace with fixed covered seating and bar area at first floor level and outdoor seating area fronting Winchester Street at ground floor level to serve existing restaurant/bar uses approved under application ref 08/01219/FUL. CAP - 12.08.2009.

08/01219/FUL - Change of use from A3 (Restaurant/Bar), to A4 (Bar) at ground floor, and A3 (Restaurant/Bar) at first floor level with external alterations (Alterations to previous permission 08/00346/FUL) - CAP - 24.10.2008.

08/00346/FUL - Change of use of first floor, including formation of enclosed external roof terrace, to A3 (restaurant) use and installation of new shop front - CAP - 10.03.2008

07/00843/VC - Variation of Condition 1 of previous planning consent ref: 950832/22740/E to vary opening hours to permit the premises to be open from 10:00am to 01.30am Mondays to Thursdays, 10:00am to 02.30am Fridays and Saturdays and 12:00pm to 01.30am on Sundays - REF - 27.07.2007

Reason - The proposed extension to opening hours would result in an extended late night use, which is situated in a location where there are nearby residential properties. As such, it is considered that the intensification of use into the early hours of the morning would cause further detriment to the residential amenities of neighbours by reason of noise, litter and disturbance caused as patrons leave the premises.

05/00069/FUL - External alterations to the south and the south-east elevations - CAP - 15.03.2005

3-4 Vernon Walk

1555/M9 - USE OF THE PREMISES AS A RESTAURANT AND INSTALLATION OF A NEW SHOPFRONT - CAP 1979

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## Appeal Decision

Site visit made on 5 January 2015

by **Nick Fagan BSc (Hons) DipTP MRTPI**

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

Decision date: 12 January 2015

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**Appeal Ref: APP/D1780/A/14/2228297**

**Ground Floor, 3 Winchester Street, Southampton SO15 2EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sirajul Islam against the decision of Southampton City Council.
  - The application Ref 14/00392/FUL, dated 17 March 2014, was refused by notice dated 2 May 2014.
  - The development proposed is the use of the ground floor for a mixed use restaurant (Class A3) and drinking establishment (Class A4), with extended hours of opening hours on Mondays to Saturdays of 0800-0100 and Sundays and Public Holidays of 1000-0100.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The premises have been addressed by a variety of names by the applicant/appellant and the Council but it is clear that the appeal relates to the ground floor premises at the above address, which is known as the Budhha Lounge.
3. The application form states that the application was to extend the hours until 1am only on Fridays and Saturdays but the desired hours were clearly changed to those set out in the last bulleted point above, and I am considering the appeal on this basis.

### Main Issue

4. The main issue is the effect that the proposal would have on the living conditions of local residents.

### Reasons

5. The appeal property is the ground floor of a two storey building on the corner of Winchester Street and Vernon Walk, a pedestrian thoroughfare that partly runs under neighbouring higher buildings. It is occupied by the Budhha Lounge, a Class A4 drinking establishment, which is laid out as a central open area around a bar with low level sofas and seats around the edge of the premises. The proposal is to replace these sofas and seats with tables providing 60 restaurant covers, but also to retain the Class A4 use as well. If I were to allow the appeal, the appeal premises could therefore be used as a Class A3 or A4 use, or indeed a combination of the two together.

6. The area is a busy mixed use inner city location with a wide range of bars, restaurants, night clubs and takeaways as well as blocks of residential flats and offices and the Bedford Place public multi-storey car park.
7. The main entrance to the Budhha Lounge is off Vernon Walk but it can also be accessed from the entrance on Winchester Street, which is the main entrance to the Tiger Lilly Restaurant on the first floor, also run by the appellant. At first floor level there is an external roof terrace, accessed from both the Bar and the Restaurant. The appellant has recently acquired the adjacent building at 3-4 Vernon Walk, known as the Budhha Club, which has an internal door linking it to the appeal premises.
8. The Budhha Lounge is controlled by a planning condition that requires customers to be off the premises after midnight although another condition allows the first floor restaurant to remain open until 1am on Fridays and Saturdays<sup>1</sup>, which the Council state was historic. The adjacent Budhha Club, also a Class A4 use, has no planning restrictions controlling its hours of operation.
9. I understand the appellant's desire to harmonise the hours of operation for both floors of his establishment and to allow sufficient flexibility to accommodate customers wishing to eat on the ground as well as the first floor. But the new layout of the ground floor, with tables instead of sofas, would not necessarily mean that more customers would want to eat or that it would attract a different clientele. The nature of the seating would not in itself change customers' requirements or desires. It may mean that the appeal premises would operate more like a pub rather than a bar and the appellant's suggestion that customers leaving the mixed use premises would be likely to be less intoxicated than at present is rather speculative.
10. I am also concerned at the objection from the Police, who consider that the continuation of DJ nights suggests that the appeal premises will continue to be used mainly for drinking, and obviously until later. They also consider that having a mixed bar and restaurant use in the manner proposed could contribute to crime and disorder, rather than lessen it as the appellant suggests.
11. His argument that harmonising the closing hours of the ground and first floor uses will prevent large groups of people spilling out onto the street is unclear and unconvincing, because if both the bar and restaurant closed at 1am there would be likely to be more people exiting the premises at this time whereas presently some exit at midnight and others at 1am on Fridays and Saturdays. His argument that the ground floor use could change to Class A3 without planning permission is irrelevant because the issue at contention is the effect of the extending the hours for the sale of alcoholic drinks. Also, the proposal would leave the authorised opening hours of the restaurant on the first floor unchanged from Sunday through to Thursday at midnight so there would remain a difference in the two uses' hours of operation.
12. His acquisition of the next door Budhha Club allows patrons to pass internally from the Budhha Lounge into those premises but this does not justify an extension of opening hours of the larger appeal premises until 1am every day

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<sup>1</sup> Conditions 2 & 3 of planning permission ref 09/00636/FUL respectively, referred to in Breach of Condition Notice dated 10 February 2014



because many customers would still be likely to leave the Buddha Lounge at 1am given its larger area compared to the Buddha Club. Even if this wasn't the case and the majority of customers from the appeal premises managed to cram into the smaller Buddha Club premises next door, then more possibly intoxicated people would exit and disperse through surrounding residential neighbourhoods even later at night, which would exacerbate any resulting noise and disturbance to nearby residential neighbours.

13. The appellant understandably wants his premises to remain competitive with other existing drinking establishments in the area, some of whom are allowed to open until 1am or later as set out in his submissions. But the Council's adopted and emerging policies rightly and in accordance with the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) attempt to balance the needs of such businesses with the reasonable needs of local residents to obtain a good night's sleep free of the noise, disturbance and anti-social behaviour at times associated with such late night eating and drinking establishments.
14. The appellant's contention that the proposal will improve the amenity of local residents is substantively and convincingly countered by the Council and the Police and for the reasons set out above. The Council also points out that whilst there are nearby premises legitimately open after midnight these relate to historic permissions which predate current planning policy on such uses.
15. In conclusion, the proposal would be likely to result in more people coming and going to the appeal premises later at night than currently, at a time when most people including those in nearby residential flats would be asleep or trying to get to sleep. In particular it would be likely to give rise to more people likely to have been consuming alcoholic drinks for a longer period to exit into the street from the premises and disperse into surrounding residential areas, with all the implications for noise, disturbance and anti-social behaviour that this could and more than likely would entail.
16. In both its current and emerging development plan policies the Council makes a clear distinction between 'late night hubs' (LNH) and 'evening zones' (EZ), or 'night time zones'(NTZ) as referred to in 'saved' Policy CLT 14 of the City of Southampton Local Plan Review adopted in 2006 (LPR). The appeal premises are located in the Bedford Place/London Road NTZ, or EZ as it is referred to in Policy AP 8 of the emerging Southampton City Centre Action Plan (CCAP).
17. Under adopted LPR Policy CLT 14 Class A3, A4 and A5 uses will be permitted subject to compliance with Policy REI 7, which itself states such uses will be permitted provided that appropriate planning conditions are imposed where necessary to prevent the generation of undue noise or other forms of nuisance directly arising from the proposed use. This approach was specifically endorsed by the examining Inspector into the LPR.
18. The appellant states that the site has not been the subject of any individual noise complaint. The Council does not contest that statement. However, that does not mean that people exiting the premises and dispersing into the neighbouring streets have never made any noise and disturbance affecting neighbours' residential amenity and it would be fanciful to suppose they never would, especially given the longer proposed opening hours. Whilst the current premises may be well run by the appellant any such extended opening hours would run with the land and it is necessary for me to consider the likely long

term effects of such an extension of opening hours, cumulatively with other such premises, on the living conditions of residential neighbours.

19. The approach to Class A3, A4 and A5 uses has been continued into Policy CS1 of the adopted Core Strategy, which identifies the Council's approach to the City Centre, as well as signalling its intention to take forward its spatial strategy via a CCAP. The CCAP has recently been examined and found 'sound' subject to various recommended modifications. CCAP Policy AP 8 is not recommended for modification and it therefore carries significant weight, in accordance with NPPF paragraph 216.
20. Policy AP 8 continues the approach of the LPR in that the Bedford Place/London Road area remains an EZ. Furthermore, it clearly states<sup>2</sup> that Class A3, A4 and A5 night time uses will be restricted to midnight in this area in order to balance the economic needs of such businesses against the social and environmental requirements of nearby residents to enjoy reasonable peace and quiet at night. The text to this policy also identifies this area as a Cumulative Impact Policy Area for Licensing Applications because it is an area already suffering due to the concentration of licensed premises and that the Council will co-ordinate its planning and licensing functions as far as possible. This does not of course mean that planning restrictions must be eased to correspond with current licensing hours because planning and licensing considerations vary.
21. The proposal is therefore clearly contrary to current LPR Policies CLT 14 and REI 7. It is also in conflict with LPR Policies SDP 1 and SDP 16, which together specify that development will only be granted if the amenity of the city's citizens will not be unacceptably affected including in terms of noise impact. It is also contrary to emerging CCAP Policy AP 8, which states that opening times in this area will be restricted to no later than midnight in order to protect residential amenity.
22. The appellant cites two appeal decisions in favour of the proposal<sup>3</sup> as well as referring to the appeal submissions relating to a very recent appeal<sup>4</sup>. But this latter case was dismissed on 31 December 2014 including for reasons that the proposal in that case would be contrary to the same above Policies. This very recent appeal decision is highly significant because that proposal also sought an extension of hours beyond midnight at a premises situated only about 50m away from the current appeal premises.
23. That case involved the first floor of the premises known as Triad House/Attik/Roxx at the western end of Vernon Walk on the corner of Lower Banister Street. The Inspector concluded that, given extant and emerging development plan policy and the mixed character of the area including residential flats, the extension of hours beyond midnight would be likely to harm the living conditions of such local residents. Given the proximity of those premises with the appeal premises in this case I can see no reason to come to a different decision.
24. In his decision the Inspector gave little weight to the two above appeal decisions also cited by the appellant in that case because in case 2078978 the Inspector was unaware of the policy background and the decision in case

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<sup>2</sup> CCAP Proposed Submission document, September 2013 – paragraph 4.71, Table 3

<sup>3</sup> APP/D1780/A/08/2078978 & APP/D1780/A/00/1046651

<sup>4</sup> APP/D1780/A/14/2226053

1046651 considerably predates the LPR. I agree with the Inspector's reasoning in case 2226053 that these decisions therefore carry little weight. In contrast the Council have provided a list of several more recent appeals where Inspectors have supported its policy stance and refused the extension of such hours. Consequently the Council has not been inconsistent or unreasonable in its application of policy in this case.

25. In light of the above, and having considered all other matters, the appeal is dismissed.

*Nick Fagan*

INSPECTOR

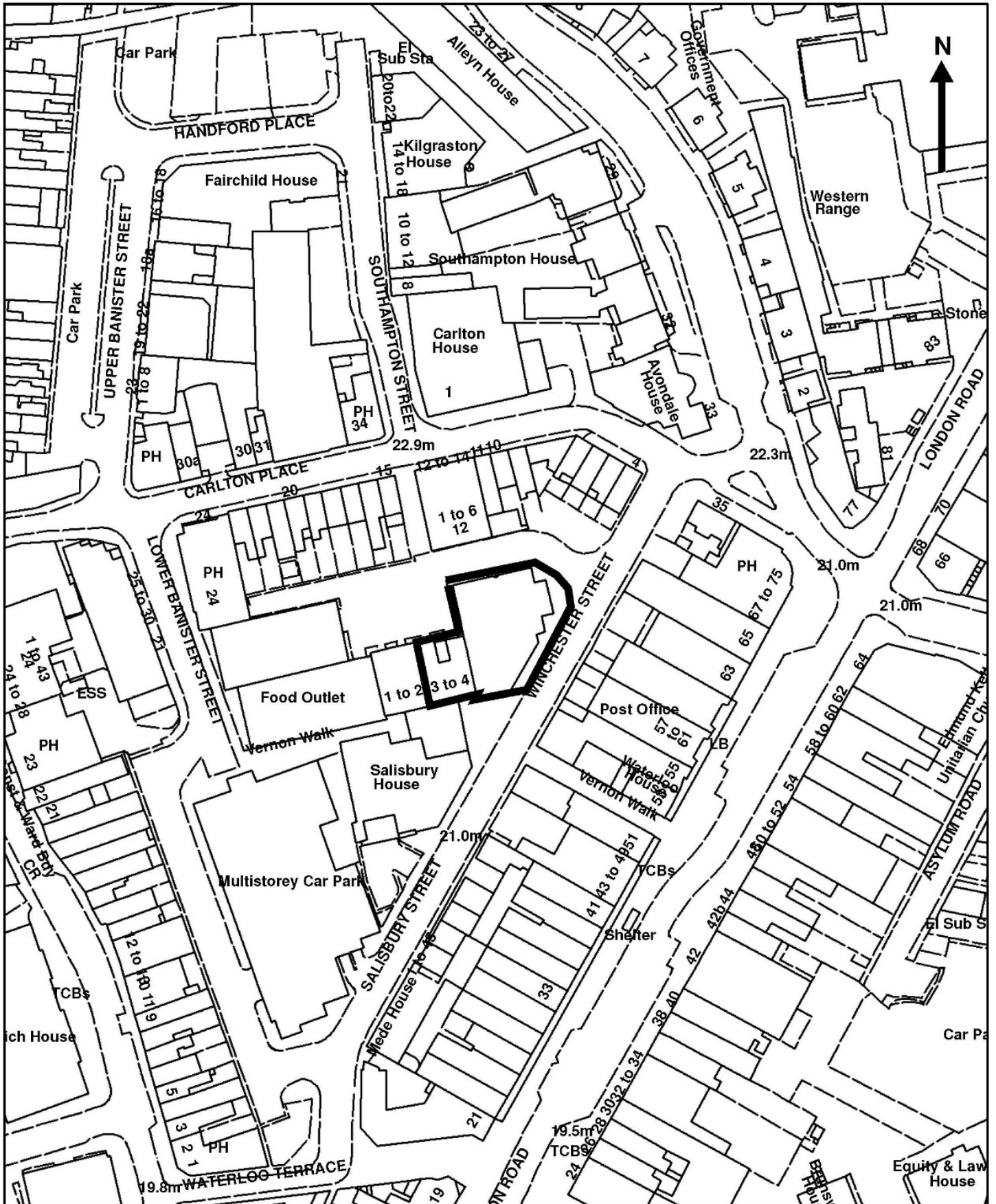
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# Agenda Item 9

# 15/02217/FUL

Appendix 1



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# Agenda Item 10

**Planning, Transport & Sustainability Division  
Planning and Rights of Way (EAST) Panel - 19 January 2016  
Planning Application Report of the Planning and Development Manager**

|  |  |                             |   |
|--|--|-----------------------------|---|
| <b>Application address:</b><br>37 Orpen Road   |  |                             |   |
| <b>Proposed development:</b><br>Erection of a 2- bedroom single storey dwelling to the rear of existing bungalow |  |                             |   |
| <b>Application number</b>  | 15/01998/FUL                                 | <b>Application type</b>     | FUL                                     |
| <b>Case officer</b>  | Stuart Brooks                                | <b>Public speaking time</b> | 5 minutes                               |
| <b>Last date for determination:</b>  | 01.02.2016                                   | <b>Ward</b>                 | Bitterne                                |
| <b>Reason for Panel Referral:</b>  | Five letters of objection have been received | <b>Ward Councillors</b>     | Cllr Lloyd<br>Cllr Jordan<br>Cllr Letts |

|                                |                   |
|--------------------------------|-------------------|
| <b>Applicant:</b> Mr Scott Rae | <b>Agent:</b> n/a |
|--------------------------------|-------------------|

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

|   |            |
|---|------------|
| <b>Community Infrastructure Levy Liable</b> | <b>Yes</b> |
|---|------------|

## Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations 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, SDP5, SDP7, SDP9, SDP10, SDP12, H1, H2, H7 of the City of Southampton Local Plan Review (as amended 2015) and CS4, CS5, CS13, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

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

## Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.111 Agreement to secure contributions towards the Solent Mitigation Disturbance Project in line with Policy CS22 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

2. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 111 agreement and/or conditions as necessary.

3. In the event that the S.111 agreement is not completed by 1st February 2016 the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the S. 111 Agreement.

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

1.1 The application site is located on the southern side of Orpen Road within the ward of Bitterne. The surrounding area is characterised by mixed suburban housing with a varied character. Siddal Close bounds the western and southern boundaries of the site (rear and side) and is a recently built street of higher density housing.

1.2 The application site itself contains a modest sized bungalow set back from the street by a front garden with an attractive hedge. An existing driveway to the side leads to a garage. There a group of tall conifer trees lining the southern boundary with close boarded fence backing onto Siddal Close.

## **2.0 Proposal**

2.1 It is proposed to subdivide the rear garden of the existing property to form a single storey dwelling with 2 bedrooms. The dwelling would have a modern appearance with render and timber elevations and two sections of mono-pitched roofs. The proposed property will share the access with the existing dwelling following the removal of the garage.

2.2 There will be the provision of 2 off street car parking spaces for the proposed dwelling and 2 car parking spaces will also be retained for the existing dwelling. A back-to-back separation distance of 25m will be provided between the existing and proposed dwellings. The existing bungalow will retain a 10m deep and 125sq.m garden area, whilst the new dwelling would have a 14m deep garden to the front of it with an area of over 145 sq.m. It will be a requirement to plant new landscaping along the western boundary of the site adjacent to the rear garden fences of Siddal Close.

2.3 Since the submission of this application, the applicant has made minor amendments to the internal layout of the dwelling by flipping the main living area with the bedrooms to improve the quality of accommodation proposed. The access and turning areas for the parking areas have been slightly widened in order to comply with the Council's minimum size standards.

## **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 (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

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



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

- 3.3 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.4 Policy CS4 acknowledges that new homes will generally need to be built at higher densities. New dwellings coming forward on suitable windfall sites will contribute towards delivering the Council's strategic target for housing supply.
- 3.5 Policy CS5 (Housing Density) of the Core Strategy acknowledges that whilst there is continuing pressure for higher densities in order to deliver development in Southampton, making efficient and effective use of land, however, the development should be an appropriate density for its context, and protect and enhance the character of existing neighbourhoods.
- 3.6 Policy CS19 of the Core Strategy (Car and Cycle Parking) of the Core Strategy sets out the Council's approach to car and cycle parking standards for new developments in the city, as supported by the guidance and standards set out in section 4.2 of the Parking Standards Supplementary Planning Document (formally adopted September 2012).

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

- 4.1 The existing bungalow was granted permission in 1957. No further development has been granted since. In early 2015, the applicant sought pre-application design advice from officers prior to the formal submission.
- 4.2 The housing within Siddal Close was approved in 1998 (ref no. 981296/E) as an infill development adjacent to the site.

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

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (23.10.15). At the time of writing the report **5** representations have been received from surrounding residents. The following is a summary of the points raised:

##### **5.1.1 Overdevelopment of the site**

###### Response

The subdivided plot is physically large enough to accommodate the footprint of the existing and proposed dwellings whilst providing good quality space for amenities and parking for the existing and future occupiers. The resultant garden

areas are significantly larger than the 90 sq.m that the Council usually seeks for detached dwellings. As such, the proposal is not over-development.

#### **5.1.2 Noise disruption from construction work**

##### Response

This is not a reason for resisting new development although the disruption from the development to local residents can be mitigated through careful management of the construction through limiting the times outside anti-social hours, and agreeing details of the materials storage, constructors compound/parking, and dust/noise suppression measures. These are controlled through proposed conditions 9 and 11.

#### **5.1.3 Loss of privacy and security to the rear gardens of Siddal Close from the removal of landscaping and garage. The existing landscaping and trees are important to the local character**

##### Response

The neighbours to the west of the site boundary currently benefit from landscaping and planting that belongs to the garden of another property which is outside of their ownership and control. The owner does not need permission to remove this vegetation should they would wish to do so.

The use of the garden land along the western boundary will not effectively change apart from belonging to another dwelling. There is no evidence to suggest that this would physically make the neighbouring properties less secure than existing and more susceptible to crime. There will be natural surveillance (as well as a further presence of people) looking onto the boundary of the rear gardens of Siddal Close.

The new single storey dwelling will be set back 3m from the boundary fence with the properties to the west in Siddal Close resulting in a 13 metre separation between the dwellings themselves. The boundary treatment (controlled by proposed condition 7) and single storey height of the proposed building will ensure there is no direct overlooking of the neighbouring gardens or dwellings. The applicant will be expected to provide suitable planting along the western boundary as part of a comprehensive landscaping scheme.

The removal of the unprotected conifer trees is not considered detrimentally affect the visual amenities of the local area. The evergreen tree specimens are not considered worthy of retention by the Tree team.

#### **5.1.4 Garden grabbing and out of character back-land development. The design is out of keeping with the existing property**

##### Response

The siting of the proposed dwelling will relate to the context of the properties in Siddal Close to the side and rear of the property. There is a range of plot and garden sizes within the surrounding area, many of which are significantly smaller than the size of plots that would result from the development. As such, the new dwelling would not be visually isolated from the surrounding properties and therefore would not be out of character with the local area.

The style of dwellings are varied in the local area. A new building does not necessarily have to copy the style of existing buildings and the design should be assessed on its own merits. The Council's adopted Residential Design Guide Supplementary Planning Document encourages contemporary residential design. The back-land location of the dwelling allows potential for a modern design since it would not be readily visible from public vantage points. The appearance of the new dwelling is considered to be modest in proportion and visually interesting with its glazed entrance feature and broken roof pitch. The overall quality of the building's appearance can be ensured by using high quality materials and finishes to be controlled by condition.

#### 5.1.5 **Loss of wildlife through the removal of landscaping in the garden**

##### Response

The Ecologist has stated that the vegetation at the end of the garden certainly has the potential to support nesting birds and potentially foraging bats. However, they have recommended that this impact can be adequately mitigated through planting suitable replacement vegetation, and ensuring that the vegetation clearance is only carried out outside the bird nesting period (March to August).

##### **Consultation Responses**

#### 5.2 **SCC Highways** - No objection, subject to conditions.

##### Comments

The site currently benefits from a vehicular access and the increase of one additional unit is not considered to demonstrate significant harm to highway safety. However the proposed parking and access layout will need to be amended slightly in order to provide a better and safer design. The access should be widened to 4.5m (for at least 6m into the site) to allow for the passing of two vehicles. If possible a small section (preferably at least a metre) of low wall, west of the access, should be retained to allow for a buffer to provide sightlines looking left when exiting the site.

The parking spaces can be redesigned to allow for better turning so to enable and encourage vehicles to enter and leave the site in a forward gear. Also, ensure all parking spaces are 2.4m x 5m.

The other issue is the management of refuse and bins. The bins will need to be near located conveniently for the proposed unit within a well-designed bin store. However, the collection point would need to be close to the public highway in order for it to be collected. A management plan will be required to state that the bins would be moved to the designated collection point on collection days only and then moved back to the bin store.

Cycle parking facilities would also be required.

##### Officer Response

Amended plans have been submitted which now address the Highway Officer's advice.

#### 5.3 **SCC Sustainability Team** – No objection, subject to conditions.

- 5.4 **Southern Water** - No objection, subject to the protection of the nearby public sewer.
- 5.5 **SCC Tree Team** - There was no objection raised at pre-application stage in terms of the removal of the conifer trees as they are not considered worthy of retention.

## **6.0 Planning Consideration Key Issues**

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

- Principle of Development;
- Impact on Character and Amenity and;
- Impact on Highway Safety

### **6.2 Principle of Development**

6.2.1 Whilst residential gardens are not previously developed land in planning terms, the National Planning Policy Framework requires the Council to set its own policies to resist inappropriate development in rear gardens where harm is caused to the character of the local area (para 53 refers). The Council does not have adopted policies which resist the use of gardens for new development and, therefore, the site should be assessed on the basis of the context and character of the local area and as such any inappropriate development proposals in rear gardens would be refused.

6.2.2 This proposal would contribute towards the delivery of housing and the provision of additional housing would meet an identified need and is, therefore, welcome. The development would achieve a residential density of 22 dwellings per hectare (dph), which is less than the range of 50 to 100 (dph) that the Policy CS5 suggests as being appropriate for medium accessibility locations such as this. Since there are no minimum density requirements, it is considered that the development strikes an appropriate balance between making good use of the site to provide further housing, whilst maintaining the lower-density character of the area. The principle of development is, therefore, acceptable.

### **6.3 Impact on Character and Amenity**

6.3.1 It is considered that the intensification of this plot to build a single storey dwelling on the rear half of the garden would respect the typical pattern of development established within Siddal Close to the side and rear of the site. As noted above, the proposal would retain and provide garden areas for both the existing and proposed dwellings that are well in excess of the Council's adopted design guidance, which would assist in ensuring that the suburban character of the area is not harmed by utilising garden land for new development.

6.3.2 The back-land location of the dwelling allows potential for a modern design since the addition would not be readily visible from public vantage points. The appearance of the new dwelling is considered to be modest in proportion and visually interesting with its glazed entrance feature and broken roof pitch. The overall quality of the building's appearance can be ensured by using high quality materials and finishes to be controlled by condition. Furthermore, the low, pitched roof of the dwelling, which slopes away from the boundaries with the neighbouring properties, minimises the physical impact of the development on the surrounding

area.

- 6.3.3 The single storey nature of the building and its 3m set back from the boundary with Siddal Close, to the west, would ensure that the privacy of the neighbouring properties is not adversely affected by overlooking. The dwelling is sited to be positioned away from the most-useable parts of neighbouring gardens, thereby minimising the effect on the neighbouring occupiers. The single storey massing of the building would ensure that it would not be visually dominant from the gardens of the neighbouring properties. The replacement planting along the boundary would further mitigate the perceived loss of privacy to these neighbours.
- 6.3.4 The Tree Team are not opposed to the removal of the Conifer trees along the rear boundary as they are not protected or worthy of retention in arboricultural terms. The other trees on site are also not statutorily protected. A suitable number and species type of trees can be planted to replace the loss of these other trees (with the exception to the Conifer trees which are classed as a high hedge) as part of a landscaping scheme to be agreed.
- 6.3.5 The land will remain in residential use for a modest sized family home (2 bedrooms). Therefore it is considered that the additional activities associated with the new dwelling would not be significantly harmful to the amenities of the neighbouring properties.
- 6.3.6 The existing driveway will be extended a further 10m to form part of the shared access and create the turning and parking area for the new dwelling. The applicant will be required to provide planting along this boundary. The noise and disturbance generated by the level of movements by the vehicles associated with this modest sized dwelling would not be considered to cause a harmful disturbance to the gardens of the neighbouring occupiers.
- 6.3.7 It should be noted that the area of garden to the east at 35 Orpen Road is a tarmac parking area so there would be limited affects to the amenities of this property from the new dwelling.
- 6.3.8 The subdivided plot is physically large enough to accommodate the footprint of the existing and proposed dwellings whilst providing adequate privacy separation distances, space for amenities, functional gardens, and parking for the existing and future occupiers. The internal layout of the new dwelling would provide acceptable living conditions for the future occupiers.
- 6.3.9 As such, it is considered that a dwelling of this scale can be accommodated in the rear half of the garden without compromising the amenities and character of the local area.

#### 6.4 Parking and Highways

- 6.4.1 The application site lies within an area of Medium Accessibility to Public Transport (Public Transport Accessibility Band 3). The adopted Parking Standards Supplementary Planning Document (SPD) permits a maximum of 2 car parking spaces to serve the proposed development and the application proposal provides for this. Similarly, the existing dwelling on site comprises two bedrooms and two car parking spaces would be retained for this property, in accordance with the SPD.

6.4.2 The development would make use of the existing vehicular access from Orpen Road and on-site turning would be provided to ensure that vehicles can enter and leave the site in a forward gear. Following the submission of the amended plans, the Highway Officer is satisfied that the shared access and the parking arrangements and its provision would not detrimentally affect highway safety.

6.4.3 There is sufficient room to the frontage of the existing dwelling to incorporate a refuse collection area for the proposed dwelling. A condition is suggested to secure this, together with appropriate screening. Further details of the cycle storage can be agreed by condition to ensure that it complies with adopted standards.

## 6.5 Impact on Protected Habitats

6.5.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £174 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.5.2 It is recommended that the contribution can be secured by Officer's following a resolution by the Panel to grant permission.

## 7.0 Summary

7.1 In summary, the provision of a dwelling of this modest scale in this back-land location represents a more efficient and acceptable higher density use of the garden land. This would respect the context and character of the surrounding area and would not compromise the amenities of the neighbouring and existing occupiers. As such, the subdivision of the plot would provide a suitable windfall site that would contribute to the city's family housing supply.

## 8.0 Conclusion

8.1 In conclusion, the proposal would have an acceptable impact in accordance with the Council's policies and guidance.

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

## **SB for 19/01/16 PROW Panel**

### **PLANNING CONDITIONS**

#### **01. Full Permission Timing Condition**

The development hereby permitted shall begin no 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. Details of building materials to be used**

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, 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. Development shall be implemented only in accordance with the agreed details.

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

#### **03. Cycle storage facilities**

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

#### **04. Unsuspected Contamination**

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

#### **05. Use of uncontaminated soils and fill**

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

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

#### **06. Protection of nesting birds**

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

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

#### **07. 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 to and approved by the Local Planning Authority in writing, which includes:

- i. hard surfacing materials;
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost (with exception to the conifer trees). Any trees to be lost shall be replaced on a favourable basis (unless circumstances reasonably dictate otherwise);
- iv. The area of front boundary hedge to be removed to facilitate the widened site access shall be replaced within the next planting season by a species to be first agreed in writing by the Local Planning Authority. The remainder of the existing front boundary hedge shall be retained.
- v. details of any proposed boundary treatment, including retaining walls and;
- vi. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking and boundary treatment) 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.

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.

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



## **08. Refuse & Recycling**

Prior to the commencement of development, details of storage for refuse and recycling, together with a collection point adjacent to Orpen Road with appropriate screening from the street, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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.

## **09. Construction Management Plan**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

## **10. Wheel Cleaning Facilities**

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

Reason: In the interests of highway safety.

## **11. Hours of work for Demolition / Clearance / Construction**

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

Monday to Friday      08:00 to 18:00 hours

Saturdays              09:00 to 13:00 hours

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.

## **12. Public Sewer protection**

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

## **13. Energy & Water**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

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

## **14. Energy & Water**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

## **15. Amenity Space Access**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use of the existing and proposed dwellings in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space for the existing and future occupiers.

## **16. Parking and Access**

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

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

## **17. Approved Plans**

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

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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

|      |  |
|------|--|
| CS4  | Housing Delivery   |
| CS5  | Housing Density  |
| CS13 | Fundamentals of Design                                     |
| CS19 | Car and Cycle parking                                      |
| CS20 | Sustainability   |
| CS22 | Biodiversity   |
| CS25 | The Delivery of Infrastructure and Developer Contributions |

City of Southampton Local Plan Review – (as amended 2015)

|       |                             |
|-------|-----------------------------|
| SDP1  | Quality of Development      |
| SDP5  | Parking                     |
| SDP7  | Context                     |
| SDP9  | Scale, Massing & Appearance |
| SDP10 | Safety and Security         |
| SDP12 | Landscaping                 |
| H1    | Housing supply              |
| H2    | Previously developed land   |
| H7    | Residential environment     |

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

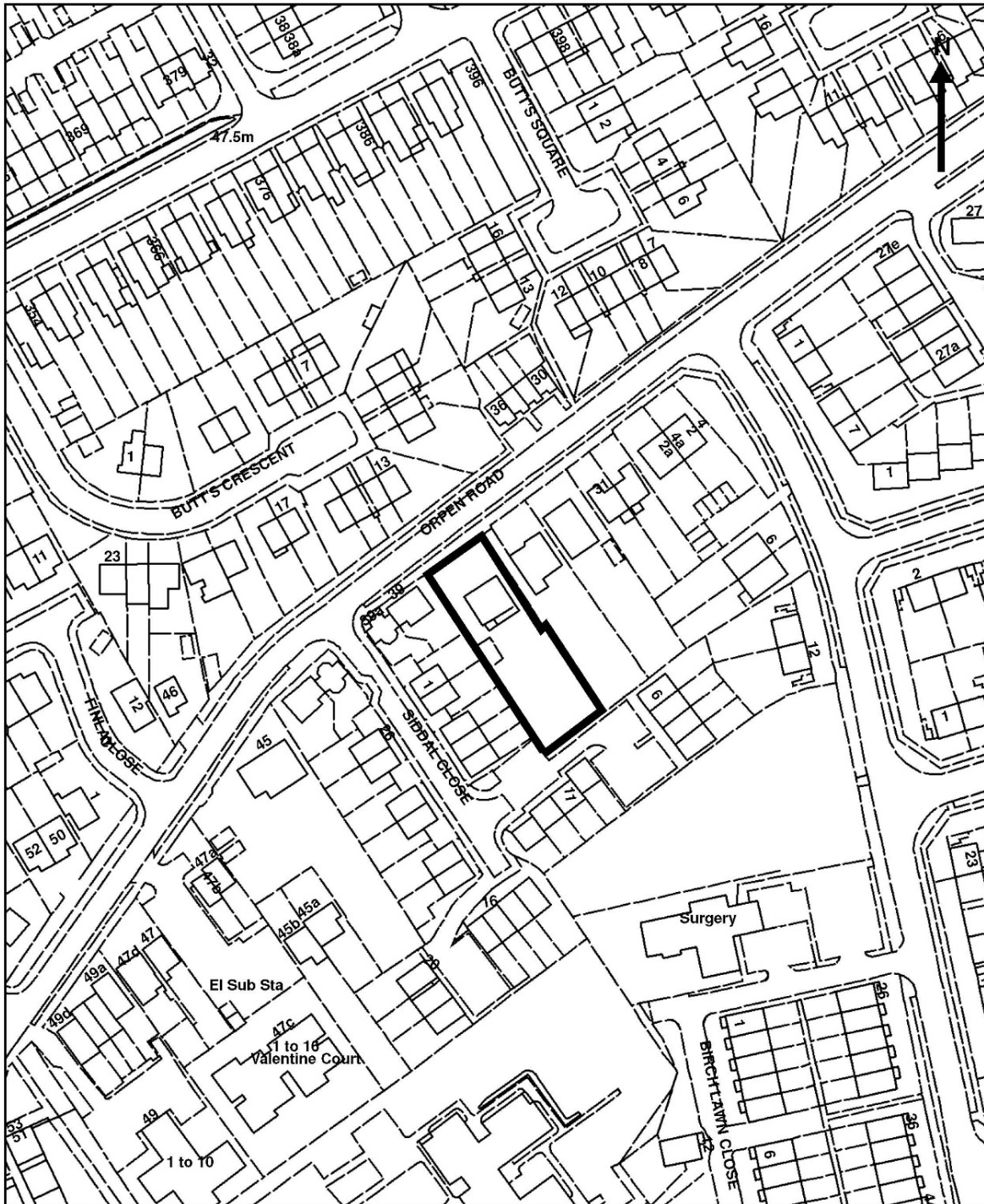
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

# 15/01998/FUL



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