

# Planning and Rights of Way Panel

Tuesday, 31st January, 2017  
at 6.00 pm

## **PLEASE NOTE TIME OF MEETING**

Conference Rooms 3 and 4 - Civic  
Centre

This meeting is open to the public

### **Members**

Councillor Denness (Chair)  
Councillor Coombs (Vice-Chair)  
Councillor Barnes-Andrews  
Councillor Claisse  
Councillor L Harris  
Councillor Hecks  
Councillor Mintoff

### **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.

**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. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

### **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

**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 2016/17**

| <b>2016</b> |              |
|-------------|--------------|
| 7 June      | 13 September |
| 21 June     | 4 October    |
| 12 July     | 25 October   |
| 2 August    | 15 November  |
| 23 August   | 6 December   |

| <b>2017</b> |          |
|-------------|----------|
| 10 January  | 25 April |
| 31 January  |          |
| 21 February |          |
| 14 March    |          |
| 4 April     |          |

## **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**

### **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 meetings held on 10 January and to deal with any matters arising, attached.

### **5 CONSIDERATION OF PLANNING APPLICATIONS** (Pages 9 - 12)

### **6 PLANNING APPLICATION - 16/01805/FUL - REAR OF 19 CRABWOOD ROAD** (Pages 13 - 38)

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

### **7 PLANNING APPLICATION - 16/01869/FUL - 12 RUSSELL PLACE** (Pages 39 - 48)

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

### **8 PLANNING APPLICATION - 16/01724/FUL - LAND ADJACENT - 65 CHAMBERLAIN ROAD** (Pages 49 - 64)

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

**9 PLANNING APPLICATION - 16/01883/R3CFL - SOUTHAMPTON COMMON  
PADDLING POOL**  
(Pages 65 - 80)

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

**10 PLANNING APPLICATION - 16/01906/ADV - BOLDREWOOD CAMPUS BURGESS  
ROAD**  
(Pages 81 - 88)

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

**11 PLANNING APPLICATION - 16/01867/FUL - BASSETT WOOD NORTH**  
(Pages 89 - 100)

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

**12 PLANNING APPLICATION - 16/01898/FUL -ST MARYS STADIUM BRITANNIA  
ROAD**  
(Pages 101 - 126)

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

Monday, 23 January 2017

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 10 JANUARY 2017

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Present: Councillors Denness (Chair), Coombs (Vice-Chair), Barnes-Andrews, Claisse, L Harris, Hecks and Mintoff

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

**RESOLVED:** that the minutes for the Panel meeting on 6 December 2017 be approved and signed as a correct record.

56. **PLANNING APPLICATION - 16/01303/FUL - BARGATE CENTRE**

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

Demolition of existing buildings (Bargate Shopping Centre and multi-storey car park; 77-101 Queensway; 25 East Street; 30-32 Hanover Buildings; 1-16 East Bargate; and 1-4 High Street, excluding the frontage); refurbishment of basements and mixed use development comprising 152 flats (63 x one bedroom and 89 x two bedroom) (Use Class C3); 185 units of student residential accommodation (451 bedrooms); retail use (Class A1); flexible retail, office or food and drink use (Classes A1-A3); in new buildings ranging in height from 4-storeys to 9-storeys; with associated parking and servicing, landscaping and public realm (Environmental Impact Assessment Development affects a public right of way and the setting of the listed Town Walls) - description amended following validation to confirm works to existing rights of way - further changes to the proposed heights along Queensway submitted 30/11/16.

Simon Reynier (City of Southampton Society), Graham Linecar (Southampton Commons and Parks Protection Society) James Burchell (applicant), were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that the Department of Transport had confirmed that they would undertake the proposed stopping up works would be undertaken by them. It was noted that as a result the recommendation would be amended removing clause 2 of the published recommendation. The presenting officer also reported the support of Ward Councillors for the proposal. In response to questioning by the Panel it was noted that an additional informative be added to condition 49 seeking amendments to refuse stores located to the walls. Upon being put to the vote the Habitats Regulations Assessment was carried unanimously.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Claisse, Coombs, Denness, L Harris and Hecks

ABSTAINED: Councillor Mintoff

## **RESOLVED**

- (i) That the Panel confirmed the Habitats Regulations Assessment (HRA) in Appendix 1 to the report to enable the planning application to be determined;
- (ii) That the Panel delegated to the Service Lead – Planning, Infrastructure and Development authority to grant conditional planning permission subject to receipt of satisfactory amended plans showing:
  - a. a revised access and tracking of The Strand’s new access (as suggested by the TMS Safety Audit (email addendum) dated 9<sup>th</sup> December 2016)
  - b. a larger lift serving the basement cycle stores from the ground floor, and
  - c. the completion of a S.106 Legal Agreement to secure the following:
    - 1. Financial contributions and/or works through s.278 approvals towards site specific transport improvements in the vicinity of the site, including (but not limited to) the new access and layout arrangements to the site from The Strand (as recommended by the TMS Safety Audit (email addendum) dated 9<sup>th</sup> December 2016) and Queensway, the re-provision of existing Pay & Display parking and taxi ranks, the installation of off-site short stay ‘Sheffield’ style cycle parking, a contribution towards upgrading ‘Legible Cities’ signage, and any associated Traffic Regulation Orders (TROs) necessary for the implementation of the development, in line with Policy SDP4 of the City of Southampton Local Plan Review (2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (2015) and the adopted SPD relating to ‘Developer Contributions’ (September 2013). The development will not be brought into use until these works have been provided;
    - 2. Submission, approval and implementation of a site-relevant Town Walls Interpretation and Public Art Strategy in accordance with the Council’s Public Art Strategy, and the adopted SPD relating to ‘Developer Contributions’ (September 2013), including either the provision of, or a contribution towards, works along the line of the missing Town Walls between the Bargate and the site and south from Polymond Tower within the red line, adjacent town wall improvements/maintenance and the provision of lift access (or equivalent) to the first floor of the Bargate monument itself;
    - 3. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development stall;
    - 4. In lieu of an affordable housing contribution from the student residential blocks an undertaking by the developer that only students in full time higher education be permitted to occupy the identified blocks and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v). Flexibility to be provided for temporary short-term non-student accommodation outside of term times;
    - 5. Submission, approval and implementation of a ‘Student Intake Management Plan’ to regulate arrangements at the beginning and end of the academic year;



6. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
  7. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
  8. Submission, approval and implementation of a Training and Employment Management Plan committing to adopting local labour and employment initiatives for both the construction and operational phases in line with LDF Core Strategy policies CS24 and CS25 and the adopted SPD relating to 'Developer Contributions' (September 2013);
  9. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
  10. Submission, approval and implementation of a Car Park Management Plan to ensure that the public car parking is provided and retained with daily charges to at least match the minimum daily charge of the prevailing Council car parking charges;
  11. Submission, approval and implementation of a Travel Plan for both the commercial and student residential uses;
  12. Submission, approval and implementation of a Construction Traffic Management Plan indicating off-site routes to be used by associated construction traffic;
  13. Financial contributions towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved policy SDP12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013);
  14. 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);
  15. The creation of a 'permitted route' through the development for use by pedestrians and cyclists between the Bargate frontage of the development and Queensway.
- (iii) That the Planning Panel support officer's recommendations to the Council's Capital Board that the Community Infrastructure Levy (CIL) monies collected from this development are allocated to support infrastructure improvements in the vicinity of the site with particular focus on the local heritage assets and the potential by the Council to secure additional funding through a bid to the Heritage Lottery Fund;
- (iv) That the Service Lead – Planning, Infrastructure and Development be given delegated powers to delete, vary or add relevant parts of the Section 106

agreement and to delete, vary or add planning conditions as necessary as a result of further negotiations with the applicant; and

(v) In the event that both:

- a. the amendments to The Strand access and lift access to the cycle store have not been submitted and agreed with the Local Planning Authority, and
- b. the s.106 legal agreement, have not been completed within 6 months of the Panel date

the Service Lead – Planning, Infrastructure and Development be authorised to refuse permission on the grounds of highway safety impacts and/or the failure to secure the provisions and mitigation of the s.106 Legal Agreement.

57. **PLANNING APPLICATION - 16/01605/FUL - FORMER OASIS ANNEXE MAYFIELD, PORCHESTER ROAD, SOUTHAMPTON**

The Panel considered the report of the Service Lead, Planning, Infrastructure 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. Demolition of existing building and construction of 15 x two-storey houses (10 x three bed and 5 x four bed), a part two-story part three-storey block of 35 apartments (9 x one bed and 26 x two bed) with associated parking and formation of public open space.

Mark Sabanathan and Colin Baker (local residents/ objecting), and Councillor Hammond (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The Panel requested that the presenting officer seek to include a further condition relating to the provision of an Electric Vehicle charging points within the development.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Claisse, Coombs, Denness and Hecks

ABSTAINED: Councillors L Harris and Mintoff

**RESOLVED**

- (i) Delegated authority to the Service Lead, Planning, Infrastructure and Development to grant planning permission, subject to the planning conditions set out within the report, and the additional condition, listed below, and the completion of a S.106 Legal Agreement to secure:
  - a. Financial contributions and/or s.278 works towards site-specific transport contributions for highway improvements in the vicinity of the site (including local footpaths) with any associated Traffic Regulation Orders, 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 with the adopted SPD relating to Planning Obligations (September 2013).
- b. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer.
  - c. Provision of affordable housing, in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015), and with the adopted SPD relating to Planning Obligations (September 2013).
  - d. Financial contributions towards an employment and skills delivery of agreed actions by the Council identified within the Employment & Skills Plan and the submission of an employment and skills plan 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).
  - e. The submission, approval and implementation of a Carbon Management Plan setting out how the 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).
  - f. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - g. Financial contributions to tree replacement off-site and the submission of a tree replacement plan.
- (ii) In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead, Planning, Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
  - (iii) That the Service Lead, Planning, Infrastructure and Development 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.

### **Additional condition**

#### **35. Electric Vehicle (EV) charging points**

No development shall commence until details of the provision of at least one Electric Vehicle (EV) "rapid charge" point for the development are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented unless otherwise agreed in writing by the Local planning Authority.

REASON: In the interests of improving air quality within the City and mitigating the scheme's direct impacts in accordance with Local Plan Policy SDP15.

58. **PLANNING APPLICATION - 16/01903/FUL - 9 BASSETT GREEN DRIVE**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

First floor and two storey rear extension with associated alterations to form enlarged dwelling. Resubmission of 16/01352/FUL.

Mr A Darlington, and Mrs A Percival (local residents/ objecting), Mr and Mrs Toor (applicant), Mr G Ash (architect), and Councillor B Harris (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the Officer recommendation to grant conditional planning permission was lost. A further vote to refuse the application subject to the reasons set out below was proposed by Councillor L Harris and seconded by Councillor Hecks.

RECORDED VOTE to refuse planning permission

FOR: Councillors Claisse, Denness, L Harris and Hecks

AGAINST: Councillors Barnes-Andrews and Coombs

ABSTAINED: Councillor Mintoff

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

**Reasons for Refusal:**

Design: The scheme fails to take account of the existing character of the surrounding area and the design does not complement the street scene with particular reference to the scale, building to boundary spacing, massing and height in relation to neighbouring properties. The scheme therefore fails to take the opportunity to respond to local character and reflect the identity of local surrounding. The development would also fail to promote or reinforce local distinctiveness or create a strong sense of place. As such the proposal constitutes poor design contrary to paragraphs 17, 58, 60, 64 of the NPPF, policies SDP1 (i), (as supported by paragraphs 3.1.2, 3.5.1, 3.8.6, 3.6.10, 3.7.5, 3.9.5, 3.10.2, 3.10.4, 3.10.6 and 3.13.1 of the adopted Residential Design Guide Supplementary Planning Document 2006), SDP7 (vi) and (v) and SDP9 (i), (iii), (iv) and (v) of the Amended Local Plan Review (2015), Policy CS13 of the amended Local Development Framework Core Strategy Development Plan Document (2015) and policies BAS1 and BAS4 of the adopted Bassett Neighbourhood Plan (June 2015).

59. **PLANNING APPLICATION - 16/01698/FUL - EASY GYM, SHIRLEY ROAD**

The Panel considered the report of the Service Head, Planning, Infrastructure and Development Manager recommending that authority to grant conditional approval in respect of the application for a proposed development at the above address.

Application for removal of condition 2 of planning permission Ref 980772/2683/W to allow 24 hours a day.

Councillor Furnell (ward councillor objecting) was present and with the consent of the Chair, addressed the meeting.

The Panel requested that a condition limiting the use of amplified music in line with original planning permission conditions be added to the current application. In addition the Panel requested that a condition relating to light spill be added and the presenting officer added an additional condition relating to classes in the additional extended hour.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Claisse, Coombs, L Harris,  
and Hecks

AGAINST: Councillors Denness and Mintoff

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

**Additional / Amended conditions**

**CONDITION 3 - NO AMPLIFIED MUSIC**

Before 08.30 and after 21.00 there shall be no amplified sound or music in association with the gym use.

REASON: To protect the amenity of the neighbouring residential properties from noise disturbance.

**CONDITION 4 - LIGHT SPILL**

Prior to commencing the extension of the hours hereby approved, a specification shall be submitted to and agreed in writing with the Local Planning Authority to tint or black out the first floor window on the south east elevation. The agreed specification shall be installed in accordance with the agreed details prior to the extension of hours commencing and thereafter retained.

REASON: To protect the amenity of the neighbouring residential properties from light spill during the night time hours.

**CONDITION 5 - CLASSES**

There shall be no classes in association with the gym held during the extended hours hereby permitted.

REASON: To protect the amenity of the neighbouring residential properties from noise disturbance.

60. **PLANNING AND RIGHTS OF WAY PROCEDURES**

The Panel considered the report of the Service Director, Legal and Governance seeking to clarify and update the protocols and procedures for the Planning and Rights of Way Panel.

**RESOLVED** that the Panel approved the meeting protocol and site visit procedure.

# Agenda Item 5

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 31<sup>st</sup> January 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

| Main Agenda Item Number | Officer | Recommendation | PSA | Application Number / Site Address           |
|-------------------------|---------|----------------|-----|---|
| 6                       | AL      | DEL            | 5   | 16/01805/FUL<br>Rear of 19 Crabwood Rd      |
| 7                       | JT      | CAP            | 5   | 16/01869/FUL<br>12 Russell Place            |
| 8                       | SH      | CAP            | 5   | 16/01724/FUL<br>Land adj. 65 Chamberlain Rd |
| 9                       | SH      | CAP            | 5   | 16/01883/R3CFL<br>Southampton Common        |
| 10                      | JT      | CAP            | 5   | 16/01906/ADV<br>Boldrewood Campus           |
| 11                      | AC      | CAP            | 5   | 16/01867/FUL<br>Bassett Wood North          |
| 12                      | JT      | DEL            | 5   | 16/01898/FUL<br>St Marys Stadium            |

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:

JT – Jenna Turner

SH – Stephen Harrison

AL – Anna Lee

AC – Anna Coombes

## 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)
  - (g) Bassett Neighbourhood Plan (Adopted 2016)
  
3. Statutory Plans in Preparation
  
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 6

**Planning and Rights of Way Panel 31<sup>st</sup> January 2017**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

|  |                        |                             |  |
|--|------------------------|-----------------------------|--|
| <b>Application address:</b><br>Rear of 19 Crabwood Road, Southampton   |                        |                             |  |
| <b>Proposed development:</b><br>Erection of a 2 storey building containing 4 x 1 bed maisonettes with access from Wimpson Gardens and associated parking and cycle/refuse storage. |                        |                             |  |
| <b>Application number</b>  | 16/01805/FUL           | <b>Application type</b>     | FUL  |
| <b>Case officer</b>  | Anna Lee               | <b>Public speaking time</b> | 5 minutes  |
| <b>Last date for determination:</b>  | 15.12.2016             | <b>Ward</b>                 | Redbridge  |
| <b>Reason for Panel Referral:</b>  | Request by Ward Member | <b>Ward Councillors</b>     | Cllr McEwing<br>Cllr Pope<br>Cllr Whitbread                            |
| <b>Referred to Panel by:</b>   | Cllr Pope              | <b>Reason:</b>              | Overdevelopment, lack of parking, damage to trees and loss of habitat. |

|                                   |                               |
|-----------------------------------|-------------------------------|
| <b>Applicant:</b> Mr J St Quintin | <b>Agent:</b> EMPERY + CO LTD |
|-----------------------------------|-------------------------------|

|                               |  |
|-------------------------------|--|
| <b>Recommendation Summary</b> | <b>Delegate to the Service Lead - Infrastructure, Planning and Development 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 such as the impact on the character of the area, amount of parking and the loss of vegetation and habitat have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, H2, H6 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS6, CS13, CS16,

| <b>Appendix attached</b> |                           |   |                                |
|--------------------------|---------------------------|---|--------------------------------|
| 1                        | Development Plan Policies | 2 | Site and Adjacent site history |

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and subject to the submission of the following;
  - i. Financial contributions towards Solent Disturbance Mitigation Project in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
2. In the event that the SDMP contributions are not received delegate to the Service Lead - Infrastructure, Planning and Development to refuse the application for failing to mitigate its direct impacts upon the Special Protection Area of the Solent Waters.

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

- 1.1 The application site occupies an area of 0.045 hectares and is currently part of the long rear garden area of 19 Crabwood Road. The lower part of the garden which forms the site is characterised by dense vegetation. The site also adjoins Wimpson Close, a residential cul-de-sac. At the current time, the garden fence means that access to Wimpson Close is not possible. A new access to the site is sought via Wimpson Gardens to the rear.
- 1.2 The site is located within a predominantly residential area characterised by a mix of dwelling houses. Immediately adjacent to the site is a two storey block of four dwelling houses, similar to what is being proposed in terms of layout and building line.

### **2.0 Proposal**

- 2.1 Permission is sought for the construction of a block of 4 no. 1 bed maisonettes. The proposed block would be two storeys with a maximum height of 8.6m and an eaves height of 5.6m slightly (lower in height by 0.5 metre than the adjacent block). The roof of the proposed block would be hipped on all sides.
- 2.2 An amenity area of approximately 65 sq m would be provided to the rear and 5 car parking spaces (1 per unit and 1 visitor space) would be established to the front. Each unit would comprise a kitchen / living area at ground floor level and an ensuite bedroom at first floor level. The front two units would have their main access from the front whilst the rear two units would have their main access from the rear, via a side passageway.

### **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 All 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.

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

- 4.1 The most recent planning history for the site was the submission of an application in 2008 (ref.08/00610/FUL) which was refused, for the redevelopment of 19, 21 and 23 Crabwood Road. This sought permission for the erection of a new building (three storeys including additional accommodation in the roof space) to provide 12 x two bedroom flats with associated parking and vehicular access from Hawswater Close. The main reason for refusal related to inappropriate massing and bulk as well as the failure to enter into a S106 legal agreement. The full reasons for refusal are found at **Appendix 2** of this report.
- 4.2 In 2007, an application (ref.07/01304/FUL) was refused for a different scheme on the same (larger) application site. This sought permission for the redevelopment of the site through the demolition of 19 Crabwood Road and the erection of a part two-storey, part three-storey building to provide 14 x two-bedroom flats with associated parking and access arrangements to the rear of 19-23 Crabwood Road. This was refused on a number of grounds for massing, scale and bulk, insufficient width access, insufficient information relating to land stability and surface water drainage and failure to complete a S106 legal agreement. The full reasons for refusal are found **Appendix 2** of this report.
- 4.3 With respect to the adjacent site to the rear of 15 and 17 Crabwood Road, in 1998, conditional approval (ref.980349/W) was granted for the development of 11 - 15 Wimpson Gardens by the construction of 4 x 1 bed dwelling houses. This permission has informed the current application and has been completed.
- 4.4 Currently officers are considering a pending application (ref. 16/01987/FUL) for the adjacent site at land to rear of 21-23 Crabwood Road for the redevelopment of the site. This neighbouring application seeks the erection of a 3-storey building containing 8 flats (6x 2-bed and 2x 1-bed) with associated parking and cycle/refuse storage.

#### **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 (08.11.2016). At the time of writing the report **8 representations** have been received from surrounding residents including a Panel referral from Ward Councillor Pope and an objection from Ward Cllr McEwing. The following is a summary of the points raised:
- 5.2 **Concern regarding the width of road at Wimpson Gardens and parking**

**problems that would arise from the increase in dwellings. In particular, with respect to lack of parking and overspill onto Wimpson Gardens.**

Response

The Council's Highways Development Management team have considered the concerns raised by residents and do not consider the proposed development to be detrimental to highway safety. Wimpson Gardens provides sufficient width for vehicle access, and is currently used as such, and no objection has been received on these grounds. Parking has been proposed at 1:1 for the one bed units, with one additional visitor space, and has achieved the maximum parking standards in this location. A parking survey (although not fully in line with the methodology sought) has also been provided to demonstrate that (on the survey dates of 21<sup>st</sup> June at 20.30pm, 22<sup>nd</sup> June at 21.00pm and 26<sup>th</sup> June at 14.30pm.) there was on street parking capacity of 10 spaces during the evening and five spaces available during the day. As the scheme complies with the Council's parking standards for this location, there is no justifiable reason for refusal on these grounds.

**5.3 Overdevelopment of the site and that it would be out of context with the character of the surrounding area**

Response.

The amount of the site occupied by hard standing areas and buildings exceeds the 50% limit as recommended in the Residential Design Guide (RDG) with the parking court and building accounting for approximately 80% of the site area. However, the scheme is similar in layout to the adjacent properties at both 7-10 at 11-15 Wimpson Gardens. This proposed scheme continues the building line and the building would be of comparable height to neighbouring houses. As such, it cannot be considered as out of character with the specific circumstances of this site and its context.

**5.4 Damage to trees on site and loss of vegetation and habitat**

Response

The proposal will not result in the loss of any important or protected trees within and adjacent to the site, and no objection has been raised by the Council's Tree Team. The tree report submitted notes that the development, if approved, has to be carried out having regard to protecting the root protection areas (RPA) of the affected trees. With respect of the loss of vegetation/habitat the Council's Ecologist has not raised an objection to the scheme subject to the provision of replacement landscaping planting and a range of wildlife boxes. These measures will be secured via a condition.

**5.5 Over-intensive use of the site**

Response

The level of development equates to 89 dwellings per hectare (dph) and is higher than the density recommended for this part of the City (35-50 dph) for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy. However, the density of the development has to be assessed against the existing character of the area and other material planning considerations. In this case the approval of an adjacent similar scheme is key in the determination of this application and officer's are comfortable that the density is acceptable given the design of the building and the context of the site. It should also be noted that whilst the scheme has been designed to look like a semi-detached pair each of the 4 units only have 1 bedroom (4 bedrooms in total). A semi-detached scheme with 2 no.2 bed dwellings would have the same number of bedrooms but half the density thereby demonstrating how crude density is as a guide to whether or not a scheme should be supported.

**5.6 Concerned about noise and anti-social behaviour**

Response

All residential properties have the potential to result in noise and anti-social behaviour. However, the Council's Environmental Health team has not objected on these grounds and the delivery of housing should not be held up due to concerns that some prospective residents may be unneighbourly. A decision should be made on the expectation of reasonable behaviour by the residents of the scheme. Noise and anti-social behaviour can be dealt with following occupation under separate legislation either by the Council's Environmental Health team or by the Police. Planning conditions can be used to minimise disturbance during the construction phase.

**5.7 The scheme will set a precedent for the area especially, in terms of the proposal to redevelopment to the rear of 21-23 Crabwood Road**

Response

Every application is assessed on its own merits, but regard has been had to the potential redevelopment of the adjacent site and the relationship of developments to one another. There is a possibility that the next garden comes forward for development and the Council will assess the merits of that scheme as they arise. As is the case with this scheme neighbouring development informs the context and character as a starting point for negotiations.

**5.8 The proposal will cause a strain on existing utilities of which the sewage and surface water drainage is of most concern. These drainage systems are already operating at capacity.**

Officer Response

Southern Water are responsible for drainage arrangements and have raised no objections to the application.

**5.9 Poor design**

Officer Response

The design of the building is similar in terms of design to the neighbouring properties albeit the roof is fully pitched. The materials chosen in terms of brickwork and cladding, and its overall design, is in keeping with the street scene especially as there is no uniform character to the area.

**Consultation Responses**

**5.10 SCC Highways – No objection raised**

The proposed development is acceptable in principle. The site is located just off the public highway but some changes are required to the bin store. It is recommended that a total of 4 x 360ltr wheelie bins are provided rather than standard wheelie bins, refuse collectors will move these bins up to 30m. Glass boxes will also need to be stored within the store. A car parking survey has been supplied which does not accord with our requirements, however, the results provided do give comfort that there is room for overspill parking within the near vicinity of the site.

Conditions to secure parking, refuse and cycle storage are required. An access road shall be constructed to standard and the car parking area shall be laid out prior to occupation of the site. The refuse and cycle storage shall be constructed of masonry, under a weatherproof roof, and be secure and lockable and the cycle store shall have sufficient space for 4 cycles.

5.11 **SCC Sustainability Team – No objection raised**

Conditions are recommended in order to ensure compliance with Policy CS20 which relate to energy and water restrictions.

5.12 **SCC Historic Environment – No objection raised**

The site lies within a Local Area of Archaeological Potential. Approximately 250m to the SW the Southampton Archaeology Unit carried out a watching Brief on groundworks associated with Newlands School (SOU 1564), and uncovered evidence of Iron Age and Middle Saxon occupation. The proposed development has the potential to damage archaeological deposits. If planning permission is granted conditions securing a watching brief for excavation should be attached.

5.13 **SCC Tree Team – No objection raised**

The tree team raises no objection to the proposed development provided the method statement and impact assessment (Ref.DS/9116/AC) submitted as part of the application is adhered to and secured via a condition safeguarding the works to be undertaken in line with its methodology and recommendations.

5.14 **SCC Ecologist – No objection raised**

The application site comprises a large mature garden which contains a range of habitats including trees, shrubs and amenity grassland. These habitats are likely to support a range wildlife including protected species. No ecology information has been provided with the submission. Considering the range of habitats present, and the fact that the proposed development will lead to the loss of the majority of the vegetation, the Council's Ecologist is of the view that adverse impacts on local biodiversity are likely. They therefore would expect to see replacement landscape planting and a range of wildlife boxes included in the development in order to mitigate for the loss of habitat. In addition, vegetation removal has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). It is important, therefore, that any vegetation clearance should either, take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged. If the permission is granted the following conditions should be applied to the consent, ecological Mitigation Statement and the protection of nesting birds

5.15 **SCC Environmental Health (Contaminated Land) – No objection subject to conditions.**

5.16 **Southern Water – No objection raised**

No objection subject to an informative requiring connection to the public sewerage system.

**6.0 Planning Consideration Key Issues**

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

- Principle of development;
- Design and amenity;
- Parking and Highway safety;
- Loss of trees, shrubs and habitat; and
- Development Mitigation



## 6.2 Principle of Development

- 6.2.1 The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, and the use of previously developed land. The redevelopment of this site for residential use is acceptable in principle and accords with the policies within the development and central government's guidance (through the NPPF) to promote sustainable and efficient use of land for housing development providing the character of an area is not compromised.
- 6.2.2 The proposal does result in the development of garden land but the resultant plot sizes are comparable to those which already exist within the area. The existing character of the properties along Wimpson Gardens are of sites that have been historically subdivided. The proposed density (of 89 dph) is higher than the guide of 35-50 dph for the site having regard to criteria 1 of policy CS5 of the LDF Core Strategy. However, when assessing this density against the history of Wimpson Gardens, and more importantly the proximity to transport links, the proposal is acceptable. Policy CS5 indicates that the development density should have regard to the character, and appearance of the existing neighbourhood, meaning that higher densities can also be supported. This proposal will sit comfortably within its immediate context by providing a detached building that contains four flats; each with garden and parking provision similar to existing buildings within the street scene. The neighbouring site has been developed with a similar form of development and is a material planning consideration for the determination of this planning application. Properties at 7-10 and 11-15 Wimpson Gardens are laid out in a similar manner with parking opposite and four units (although 7-10 Wimpson Gardens are two bed units) on each site. The principle of development and its relationship with the established pattern of development is considered to be acceptable.

## 6.3 Design and amenity

- 6.3.1 Wimpson Lane has a fairly diverse character. Original properties within this road comprise two storey, terraced dwellinghouses in a stepped arrangement. These tend to be of brick construction with tiled roofs and small front porch features. They also have small front gardens and low boundary walls. The roofslopes of these properties are typically hipped to the front and rear with gables present to the side. Immediately adjacent to the site, the character of Wimpson Gardens changes due to the presence a terrace block of houses and two more recent blocks providing a total of eight dwellings (4 in the block immediately adjacent to the site and 4 in the other block). Again, these comprise brick construction with small porch canopies. The roofslopes of these properties are typically hipped to the front and rear with gables to the side. The proposed dwellings would have a more contemporary appearance and this is acceptable in this diverse section of Wimpson Gardens.
- 6.3.2 The proposed block would, at two storeys in height, be of a scale which would be in keeping with existing neighbouring development, particularly the block of 4 x 1 bed dwellinghouses immediately adjacent to the site. It is noted that the side hipped roofslopes are at odds to the side gables which characterise Wimpson Gardens. However, in this case, it is considered that side gables would be bulkier and have

a more harmful impact in terms of residential amenity. The materials chosen for the development which consist of timber effect cladding and brickwork are in keeping with the existing buildings within the street scene.

- 6.3.3 The scheme provides an area of approximately 65 sq.m to the rear for the 4 flats; whilst this is slightly less than the recommended in the RDG guidance (of 20 sq.m per flat) the area provided is usable and not shaded. A condition is sought to include defensible space for the rear units to maintain a level of privacy for future occupiers. The neighbouring blocks (7-10 and 11-14 Wimpson Gardens) have a similar amenity space arrangements to that which is proposed. Finally, the Panel will note that the development is for single bedroom flats, unlikely to be suited to families, and it is only a 15 minute walk to Mansel Park. As such, previous appeal decisions have suggested that some relaxation of the 20sq.m per dwelling is warranted and officers agree in this instance.
- 6.3.4 The application site forms the rear garden of no.19 Crabwood Road and it is, therefore, necessary to assess the impact of the proposed scheme on the residential amenities of the occupiers of this property. This existing property has a number of windows within the rear elevation at both ground floor and first floor level which would face the proposed building. A separation distance of approximately 38m would be retained between the rear elevation of this property and the proposed building. This is considered to be in accordance with paragraph 2.2.4 of the Residential Design Guide which advises that a minimum back to back distance of 21m should be retained.
- 6.3.5 The existing property at no.19 Crabwood Road would appear to have 3 bedrooms according to the plans approved under application ref.00/00737/FUL. It also has access to a private rear amenity area of approximately 730 sq m. It can therefore, be classed as a family home according to the definition outlined by Core Strategy policy CS16 (Housing Mix and Type). As a result of this proposal, a garden area of approximately 250 sq m would be retained which is sufficient for a family sized unit to be retained.
- 6.3.6 The proposed block would be located approximately 1m from the common boundary between no.19 and no.21 Crabwood Road. There is the potential for the bulk of the proposed two storey block to have an impact on neighbouring garden at no.21 Crabwood Road. However, it must also be considered that the rear garden of this neighbouring property is of a generous size added to the distance between the proposed development and the existing property on site. As such, it is likely that sufficient usable garden space would be retained for this neighbouring property and the main area of garden (adjacent to the house itself) remains unaffected.
- 6.3.7 No.11 and no.15 Wimpson Gardens also adjoin the site. The side elevation of this block which faces the site contains a number of windows. These windows serve non-habitable kitchen rooms and, as such, there will not be detrimental harm to the neighbouring occupiers. Therefore, the proposal does not warrant a reason for refusal on residential amenity grounds in terms of amenity space, outlook, loss of light and/or privacy and accords with Local Plan Review Policy SDP1.

#### 6.4 Parking and Highway Safety

- 6.4.1 The application site is within an area that is easily served by public transport as the nearest bus stops are between 200 and 250 metres depending on the destination required. The level of parking provision proposed needs to be assessed against the parking standards set out in the adopted Local Plan and Parking Standards SPD, which are maximums. Therefore, careful consideration needs to be made of the implications of the proposed number of parking spaces. The scheme proposes one space per unit, which is the maximum for a one bed unit within the Council's standards. There are no national or local policy requirements for the developer to design in visitor parking but one space has been provided.
- 6.4.2 The level of parking provision and access arrangements will not detrimentally prejudice highway safety. A parking survey has been provided which was carried out outside of school / public holidays. The first of the surveys was carried out on a Tuesday evening at 20.30. The second survey was carried out on a Wednesday evening at 21.00 and the third survey was undertaken on a Sunday afternoon at 14.30. The provision of 10 available parking spaces were found during both evening surveys within Wimpson Gardens, and 5 available spaces were found during the afternoon survey. The results of the survey indicate that there is sufficient capacity to accommodate any potential parking overspill in the local roads. However, the scheme has met the maximum parking requirement and no overspill is therefore anticipated. The 2011 Census suggested that for the Ward of Redbridge 32.2% of households do not have access to a private car meaning that it is feasible that not every household formed would have a car in any event. Therefore on this basis the proposal is considered to address the concerns relating to parking and highway safety.
- 6.5 Loss of trees, shrubs and habitat
- 6.5.1 The proposal does not result in the loss of any trees or shrubs that are considered significant in terms of size and amenity. None of the trees or shrubs within the site are protected and nor has an objection been raised by the Council's Tree Officer. The character of the area will be altered by the loss of the vegetation but it could be removed without permission in any event. Therefore, subject to the submission of replacement landscaping, and the provision of wildlife boxes (required by the Council's Ecologist) the proposal is considered to be acceptable.
- 6.6 Development Mitigation
- 6.6.1 As with all new development the application needs to address and mitigate the additional pressure on the environmental, social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). A s.106 legal agreement is normally triggered by schemes of 5 or more dwellings. The area of contribution for this development, in order to mitigate against its wider impact, is only towards the Solent Disturbance Mitigation Project. The application is delegated for approval subject to the payment of this contribution or an alternative mechanism for securing appropriate informal greenspace mitigation..
- 6.6.2 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 £176 per unit has been adopted in this case and £704 is required for this level of development. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. Following receipt of this payment 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).

## **7.0 Summary**

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

7.2 A suitable balance has been achieved between securing additional housing, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity is protected. The development will not lead to harmful levels of traffic, congestion or overspill parking within Wimpson Gardens having regard to the Council's maximum car parking standards. Furthermore significant weight is given to the merits of housing delivery on this site.

## **8.0 Conclusion**

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

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

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

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

#### **ARL for 31/01/2017 PROW Panel**

#### **PLANNING CONDITIONS to include:**

##### **01. 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).

##### **02. 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.

### **03. Landscaping & means of enclosure detailed plan (Pre-Commencement Condition)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted 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 - to be agreed;
- iii. details of any proposed boundary treatment (including a brick wall to Crabwood Road and around the parking area rather than timber fencing to replace the existing hedge) and;
- iv. 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, with the exception of the boundary treatment which shall be retained for the lifetime of the development.

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

### **04. Arboricultural Method Statement (Performance)**

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Assessment and Method Statement DS/91116/AC including the tree

protection measures throughout the duration of the demolition and development works on site.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

**05. Refuse & Recycling (Pre- Occupation condition)**

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved.

Reason:

In the interest of visual and residential amenity.

**06. Cycle parking (Pre- Occupation condition)**

Before the development hereby approved first comes into occupation, the storage for bicycles shall be provided and made available for use in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason:

To encourage cycling as an alternative form of transport.

**07. Parking (Pre-Commencement Condition)**

The development shall be served by 5 parking spaces that shall have been laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking shall be retained as approved for the parking of resident's vehicles and shall be allocated on a 1 space per flat basis.

Reason:

To ensure appropriate parking provision is made to serve the development in the interests of highway safety and the amenity of residents.

**08. Road Construction (Pre-Commencement)**

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

1. A specification of the type of construction proposed for the access roads, footpaths and proposed levels and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to an adoptable standard.

Reason:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

**09. Defensible space (Pre-occupation Condition)**

Prior to the first occupation amended plans detailing an enclosed area/landscaping to provide defensible space adjacent to the rear elevation for the ground floor rear flats shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved plans and retained for that use unless otherwise agreed in writing.

Reason:

To protect the amenities of the residential properties.

#### **10. Amenity Space Access (Pre-Occupation)**

Before the development hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use 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 in association with the approved dwellings.

#### **11. Archaeological watching brief with provision for excavation (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.

#### **12. Archaeological watching brief with provision for excavation 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.

#### **13. Ecological Mitigation Statement (Pre-Commencement)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which should include replacement landscaping planting and a range of wildlife boxes 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.

#### **14. Protection of nesting birds (Performance)**

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.

#### **15. Land Contamination investigation and remediation (Pre-Commencement Condition)**

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

#### **16. Use of uncontaminated soils and fill (Performance)**

Only 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.

#### **17. Unsuspected Contamination (Performance)**

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.



### **18. 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).

### **19. 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).

### **20. 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 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.

### **21. Construction Management Plan (Pre-Commencement Condition)**

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method 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.

**22. No storage under tree canopy (Performance)**

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason:

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

**23. Approved Plans (Performance)**

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.

**Application** 16/01805/FUL

**APPENDIX 1**

## **POLICY CONTEXT**

### Core Strategy - (as amended 2015)

|      |  |
|------|--|
| CS4  | Housing Delivery                               |
| CS6  | Housing Density                                |
| CS13 | Fundamentals of Design                         |
| CS16 | Housing Mix and Type                           |
| CS18 | Transport: Reduce-Manage-Invest                |
| CS19 | Car & Cycle Parking                            |
| CS20 | Tackling and Adapting to Climate Change        |
| CS22 | Promoting Biodiversity and Protecting Habitats |

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

|       |                             |
|-------|-----------------------------|
| SDP1  | Quality of Development      |
| SDP4  | Development Access          |
| SDP5  | Parking                     |
| SDP6  | Urban Design Principles     |
| SDP7  | Urban Design Context        |
| SDP8  | Urban Form and Public Space |
| SDP9  | Scale, Massing & Appearance |
| SDP10 | Safety & Security           |
| SDP11 | Accessibility & Movement    |
| SDP12 | Landscape & Biodiversity    |
| SDP13 | Resource Conservation       |
| SDP15 | Air Quality                 |
| SDP16 | Noise                       |
| SDP17 | Lighting                    |
| SDP22 | Contaminated Land           |
| H1    | Housing Supply              |
| H2    | Previously Developed Land   |
| H7    | The 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)

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**Application** 16/01805/FUL

## **Site and adjacent site history**

### **Site history**

**08/00610/FUL**

**Refused 22.07.2008**

Erection of a new building (two-storeys plus additional accommodation in the roof space) to provide 12 x two bedroom flats with associated parking and vehicular access from Hawswater Close

#### 0.1 Inappropriate massing and bulk

The proposed building, by reason of its massing and bulk is considered to be widely divergent from the character of buildings in the surrounding area. As such, the proposed development is considered to be contrary to Policies SDP1 (ii - in particular the guidance of paragraphs 3.7.7-3.7.8 and 3.9.5 of the Residential Design Guide [September 2006]), SDP7 (iii), SDP9 (i) and H7 (i)/(ii)/(iii) of the City of Southampton Local Plan Review (March 2006).

#### 0.2 Failure to secure planning obligations

The proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on planning obligations by not securing the following:

a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;

b) measures to support strategic transport initiatives;

c) the provision of public space and children's play space to serve the needs of the development as required by Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006); and,

d) a commitment to repairing any damage to the public highway attributable to the build process.

**07/01304/FUL**

**Refused 06.12.2007**

Redevelopment of the site. Demolition of 19 Crabwood Road and erection of a part two-storey, part three-storey building to provide 14 x two-bedroom flats with associated parking and access arrangements to the rear of 19-23 Crabwood Road.

#### 0.1 Inappropriate massing, bulk and scale

The proposed building, by reason of its massing, bulk and scale is considered to be widely divergent from the character of buildings in the surrounding area. As such, the proposed development is considered to be contrary to the following policies of the Development Plan:-

Hampshire County Structure Plan 1996-2011 (Review)(2000)  
UB3

City of Southampton Local Plan Review (March 2006)  
SDP1 (ii - in particular the guidance of paragraphs 3.7.7-3.7.8 and 3.9.5 of the Residential Design Guide [September 2006]), SDP7 (iii)/(iv), SDP9 (i), H2 (i) and H7 (i)/(ii)/(iii).

#### 0.2 Unacceptable access

The autotracking diagram shows that a refuse cart would pass too close to the proposed building, thereby risking damage to the building and an unacceptable danger to occupants of the building. As such, this deficiency in vehicular access is considered to be contrary to Policies SDP1 (i - particularly the guidance of paragraphs 5.1.14-5.1.15 of the Residential Design Guide [September 2006]) and SDP3 of the City of Southampton Local Plan Review (March 2006).

#### 0.3 Impact on land stability not adequately scoped out

Notwithstanding the submitted levels details and the written undertaking of the possibility of retaining the foundations of 19 Crabwood Road in situ in the agent's e-mail of 12 November 2007, insufficient information regarding land stability has been submitted. In particular, the impact of site regrading on the structural integrity of adjoining properties has not been adequately scoped out within a construction method statement. As such, the proposals could be likely to prove contrary to the general guidance of Planning Policy Guidance Note 14 and Policies SDP1 (i) and SDP23 of the City of Southampton Local Plan Review (March 2006).

#### 0.4 Surface water drainage

Notwithstanding the late submission of information regarding the proposed sustainable urban drainage system, the Local Planning Authority has not had the opportunity to re-consult as to the efficacy of such a solution. Also, given the extent of regrading works shown on the sectional drawing, the Local Planning Authority remains concerned that surface water run-off from the building and extensive hard surfacing could lead to problems of off-site flooding of neighbouring properties, especially in exceptional storm event conditions. As such, the proposals are considered likely to be contrary to Policies SDP1 (i), SDP20 (i) and H2 (iii) of the City of Southampton Local Plan Review (March 2006).

#### 0.5 Failure to secure planning obligations

The proposal fails to satisfy the provisions of Policy IMP1 of the City of Southampton Local Plan Review (March 2006) and the Council's Supplementary Planning Guidance on planning obligations by not securing the following :

- a) measures to support sustainable modes of transport such as necessary improvements to public transport facilities and footways within the vicinity of the site;
- b) measures to support strategic transport initiatives;
- c) the provision of public space and children's play space to serve the needs of the development as required by Policies CLT5 and CLT6 of the City of Southampton Local Plan Review (March 2006); and,
- d) a commitment to repairing any damage to the public highway attributable to the build process.

**Adjacent site history – Rear of 15 -17 Crabwood Road**

**960373/W**

**Conditionally Approved 05.06.1996**

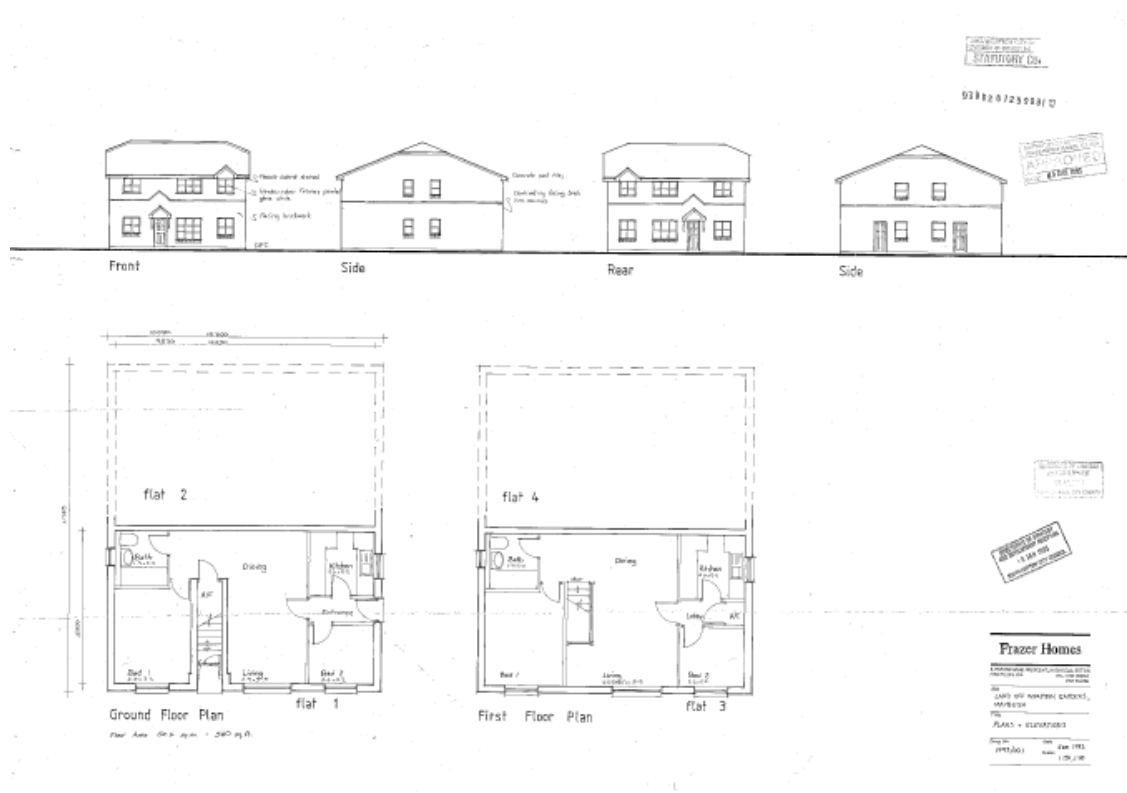
Retention of realigned road

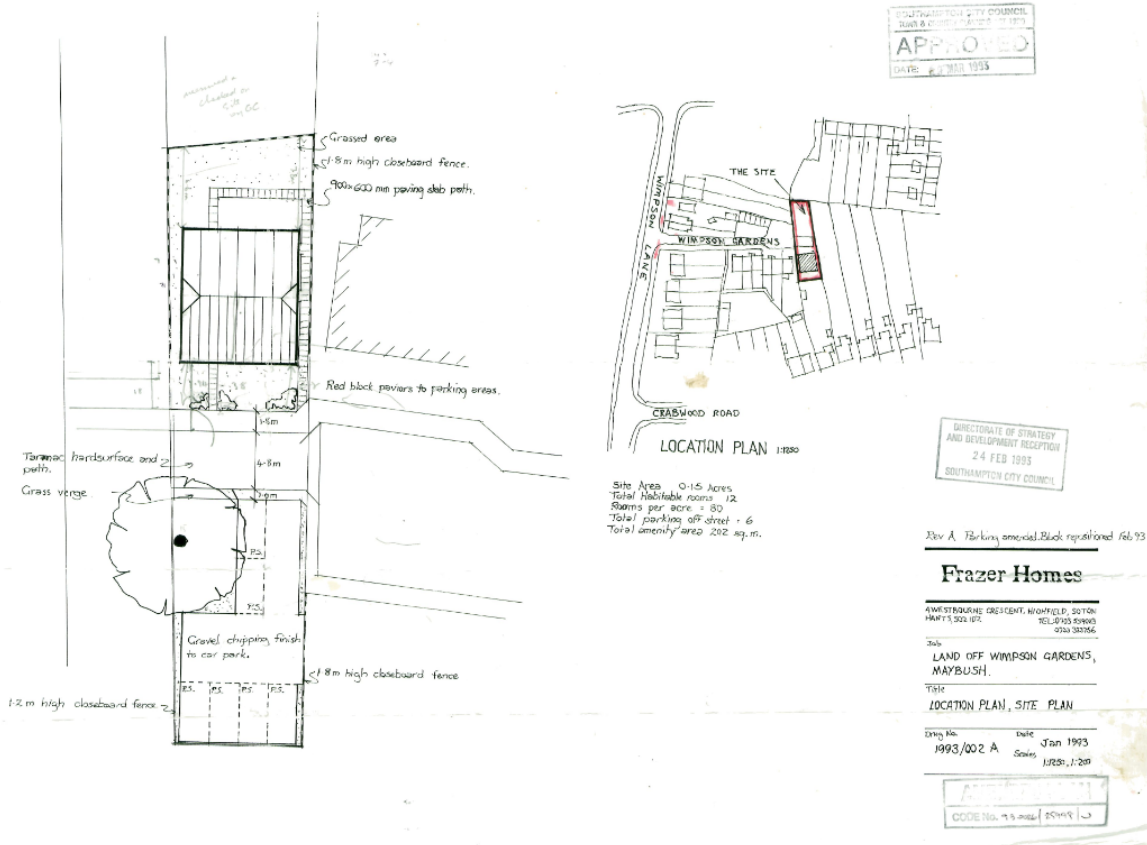
**Rear of 15 Crabwood Road known as 7-10 Wimpson Gardens**

**930026/W**

**Conditionally Approved 10.03.1993**

Development of the site by the erection of a 2 storey block of 4 no 2 bed flats and associated car parking



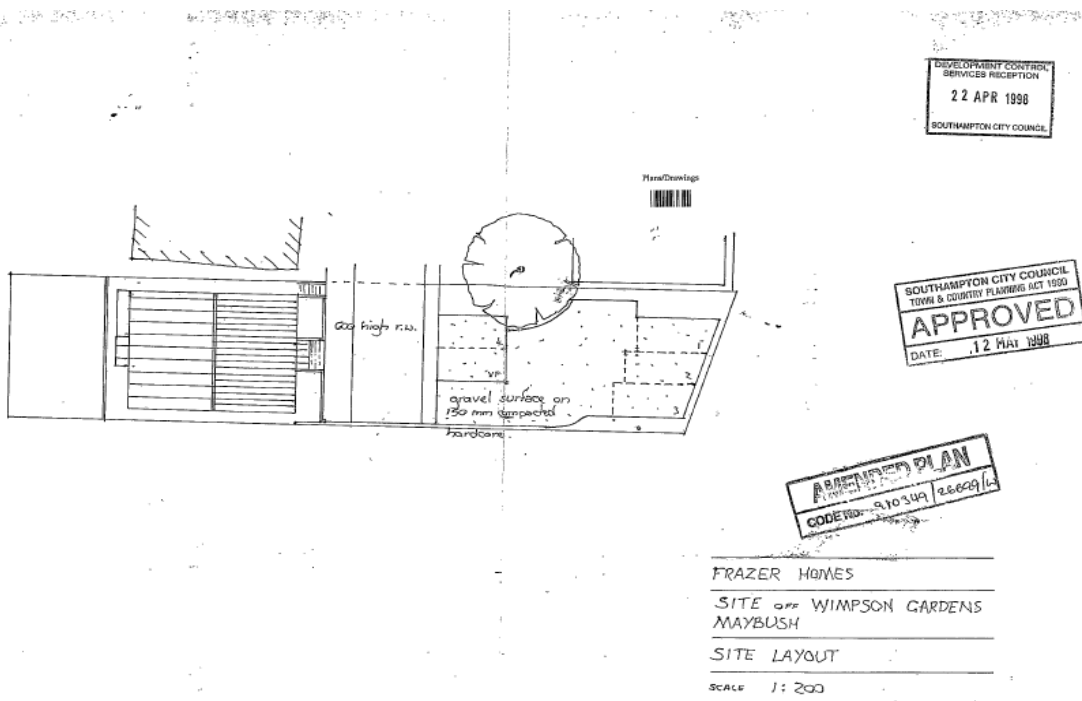


Rear of 17 Crabwood Road know as 11-14 Wimpson Gardens

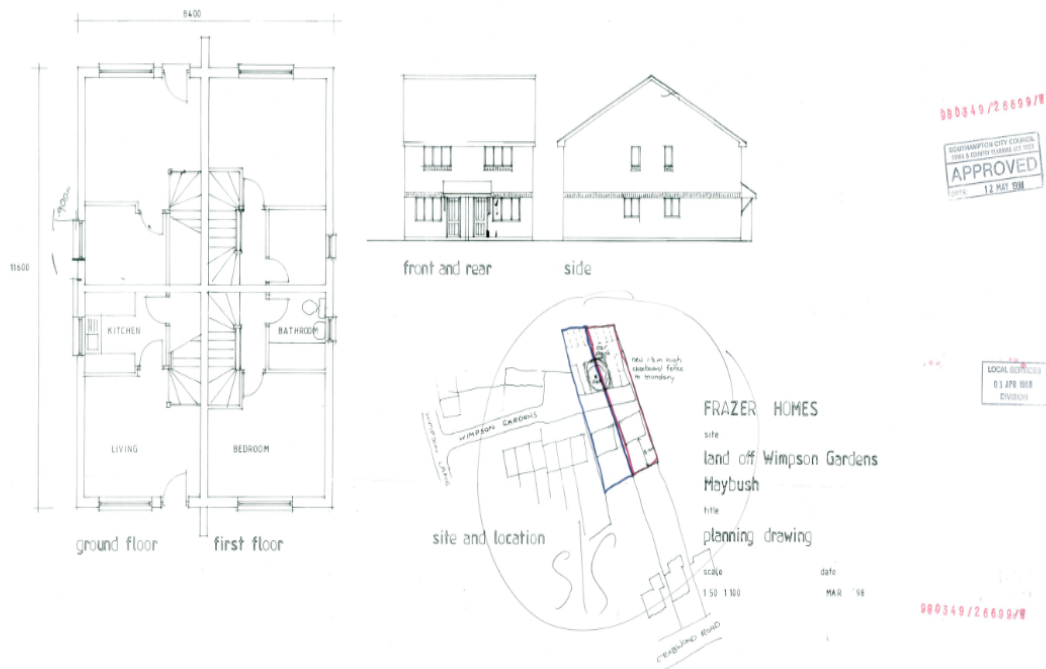
980349/W

Conditionally Approved 19.06.1998

Development of the site by the construction of 4 no. One bed dwelling houses







**980115/W**

**Conditionally Approved 18.05.1998**

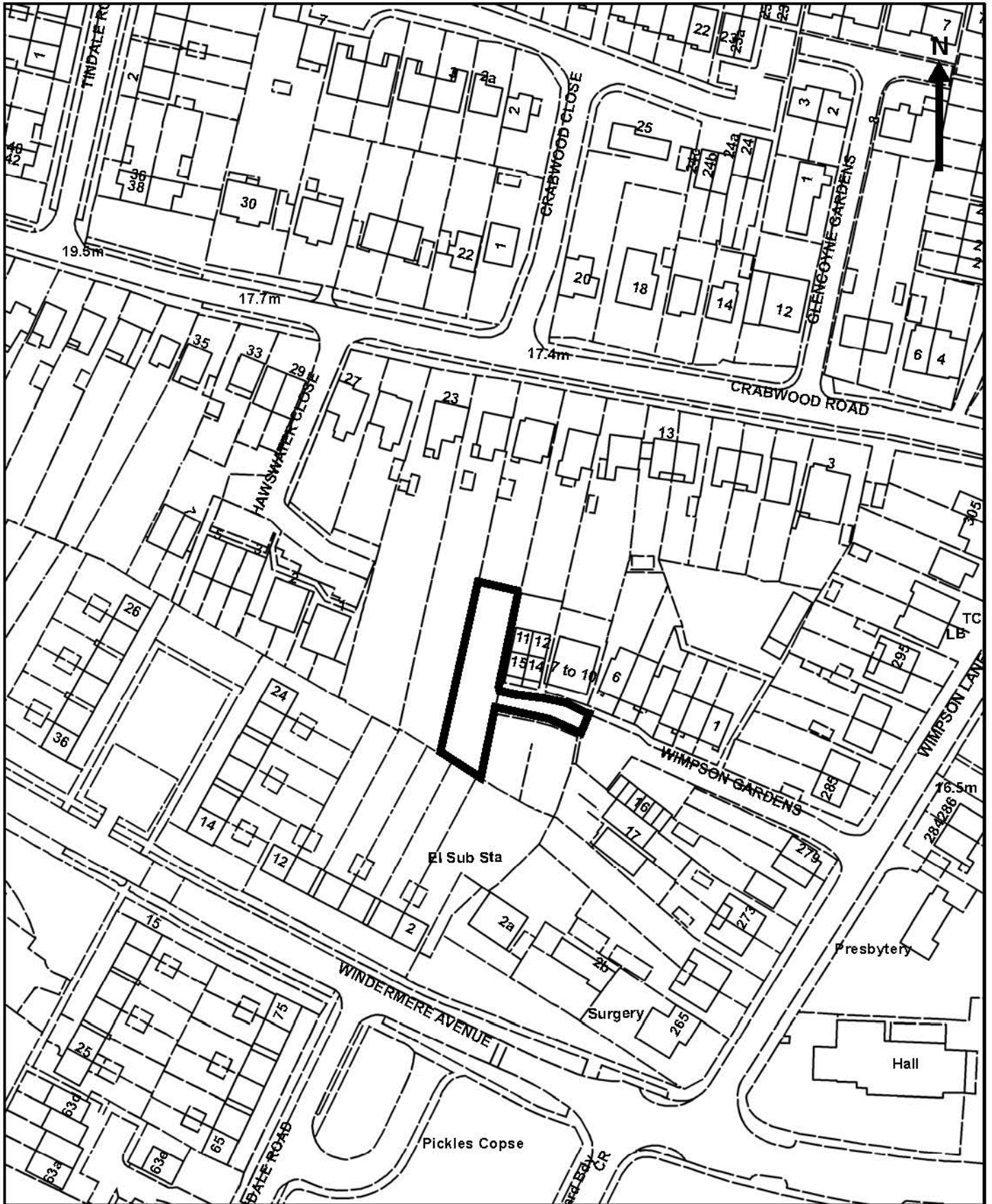
Re-development of the site by the erection of a 2 storey block of 4 x 1 bed flats with associated access and car parking – renewal of planning permission 941212/26699/w

**941212/W**

**Conditionally Approved 16.02.1995**

Development of the land by the erection of a block of 4 1-bed flats.

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# Agenda Item 7

**Planning, Transport & Sustainability Division  
Planning and Rights of Way Panel 31<sup>st</sup> January 2017  
Planning Application Report of the Service Lead; Infrastructure, Planning and  
Development**

|   |  |                             |   |
|---|--|-----------------------------|---|
| <b>Application address:</b><br>12 Russell Place, Southampton  |  |                             |   |
| <b>Proposed development:</b><br>Erection of a first floor rear extension and enlargement of rear dormer window. |  |                             |   |
| <b>Application number</b>   | 16/01869/FUL   | <b>Application type</b>     | FUL   |
| <b>Case officer</b>   | Matt Griffiths   | <b>Public speaking time</b> | 5 minutes                                   |
| <b>Last date for determination:</b>   | 26/12/2016   | <b>Ward</b>                 | Portswood                                   |
| <b>Reason for Panel Referral:</b>   | More than five letters of objection have been received | <b>Ward Councillors</b>     | Cllr Savage<br>Cllr O'Neill<br>Cllr Claisse |

|                              |   |
|------------------------------|---|
| <b>Applicant:</b> Mr N Ahmed | <b>Agent:</b> Les Weymes Planning Consultancy Ltd |
|------------------------------|---|

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

|   |           |
|---|-----------|
| <b>Community Infrastructure Levy Liable</b> | <b>No</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. Policies - SDP1, SDP7, SDP9, HE1 and HE2 of the City of Southampton Local Plan Review (March 2006), and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the Portswood Residents' Gardens Conservation Area Appraisal and Management Plan

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

**Recommendation in Full  
Conditionally approve**

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

- 1.1 The property is a large detached two-storey dwelling house located within the Portswood Residents' Gardens Conservation Area.

## **2. Proposal**

- 2.1 The application proposes two first floor rear extensions, located either side of an existing terrace at first floor level, above a single storey rear extension; the terrace and single storey extension were previously granted under planning permission 07/00832/FUL. The proposed extensions would have a gabled design with pebble dash render to match the existing dwelling with an overall height of approximately 8 metres from ground level and projection from the original rear wall of just under 3 metres. The proposals also include an alteration to increase the width of the existing dormer window situated within the roof of the property.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 The Portswood Residents Garden Conservation Area Appraisal and Management Plan (here after referred to as the CAAMP) was produced following the adoption of policy CS14 of the Local Development Framework Core Strategy in 2010.

## **4. Relevant Planning History**

- 4.1 07/00832/FUL – Conditionally Approved 08/11/2007  
Erection of a rear extension with terrace on first floor and erection of a double garage following demolition of the existing garage and rear extension.
- 4.2 08/00234/FUL – Refused 10/04/2008  
Erection of a rear extension with terrace on first floor and erection of a double garage following demolition of the existing garage and rear extension.
- 4.3 08/01124/FUL – Refused 17/10/2008, Appeal Dismissed 24/02/2009  
Proposed amendment to roof terrace previously approved (ref. 07/00832/FUL)
- 4.4 09/00951/FUL – Conditionally Approved 21/12/2009  
Replacement window to front and side (part retrospective)
- 4.5 10/01049/FUL – Refused 13/09/2010  
Application for removal of Condition 1 of planning permission ref. 09/00951/FUL relating to colour and finish of new windows.

## **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 (18.11.2016) and erecting a site notice (15.11.2016). At the time of writing the report **22** representations have been received from surrounding residents, the local Residents Association and Cllr O'Neill. The following is a summary of the points raised:

5.2 ***The extensions would represent an overdevelopment of the site***

### 5.3 **Comment**

The footprint of the dwelling would not change as a result of the proposals. The scale and mass of the dwelling would increase, however taking into account the property in relation to the plot, and that only limited views of the extensions would be possible, it is considered that the proposals do not constitute an overdevelopment of the site.

5.4 ***The proposals would be out of character with neighbouring properties and the Conservation Area***

### 5.5 **Comment**

Whilst the introduction of two gabled extensions would represent an introduction of differing design to the property, the extensions will only be visible from a distance within the Residents' Gardens. There are properties of differing design within the street, most notably 8 Russell Place. Furthermore, gabled bays are not unusual features within the Conservation Area. As such the extensions proposed are considered to preserve the character of the Conservation Area. In response to the comments of the SCC Historic Environment Officer amended plans have been submitted reducing the size of the left of the two windows.

5.6 ***The extensions would result in a loss of light and overshadowing to neighbouring properties***

### 5.7 **Comment**

The separation distance between the dwelling and 10 Russell Place to the south is 4.5m, a distance that is not considered to result in overshadowing or a loss of light. As 14 Russell Place is situated closer (approx. 1.5 metre gap to boundary) to the dwelling, it is accepted there may be an impact in terms of overshadowing to neighbouring amenity. However, the vegetation located on the boundary between the two will reduce this impact, and it is not considered that this is enough to warrant refusal of the application given that the majority of the garden will be unaffected by overshadowing for the majority of the day.

5.8 ***A change of use to three flats would be out of character with the Conservation Area and contrary to PRG 1 of the CAAMP***

### 5.9 **Comment**

The reference to three flats within the Design and Access Statement was an error and not intended to be included, an amended document has been submitted removing this. The application relates to a family home.

## 5.10 Consultation Responses

5.11 **SCC Trees** - No objection.

5.12 **SCC Historic Environment** – This proposal will increase the height of the existing rear extension, but there will be no increase in the building footprint. The key changes proposed will be the proposals to introduce substantial areas of glass to the rear, which will be visible from the adjacent Residents Gardens. The existing rear dormer will also be widened slightly.

The application states that the side elevations of the proposed extension will be pebble-dashed to match the existing. Unless great care is taken in choosing the colour of the underlying cement, the flanks would look two-toned, which would fail the test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of the conservation area. It may be necessary to apply tinting techniques to ensure a colour match between the old and new render.

It is considered that the new windows at first floor would be over large, and would be dominant features when viewed from the Residents Gardens. The windows will need to be reduced in size to conform with windows on the front elevation of the building (although it would not be a requirement that they be of the same material).

The relevant policy within the Conservation Area Appraisal and Management Plan is reproduced below:

### PRG 2 Redevelopment and Extension of Existing Buildings

Any development proposals for the whole or partial demolition, redevelopment and/or extension of existing buildings must conform with the special characteristics of the Conservation Area set out in the Conservation Area Appraisal. These characteristics include the following: the historic layout and pattern of development in the area; the established building lines; building to plot ratios; the height, mass and scale of the buildings; plot boundaries; the distances between buildings, and the verdant spaciousness integral to the appearance and character of the Conservation Area. Any such proposals must address the detailed design criteria contained in the Core Strategy and those in this Management Plan. The Council's Core Strategy Policy CS14 seeks to safeguard conservation areas in the city from inappropriate development and to enhance their character. In addition, any proposals that will result in the net loss of family dwellings will be considered against Policy CS 16 of the Core Strategy.

While the development proposal will increase the height and mass of the rear of the property, subject to appropriate materials being used and changes to the form and size of the windows, it will comply with all other criteria.

Consideration must also be given to the appeal decision for 3 Abbott's Way (appeal reference APP/D1780/A/12/2171564). This appeal was against the Council's decision to refuse permission for a two-storey side extension. In his decision the Inspector wrote:

*Criticism has been made of the scheme because it would represent a further incremental increase in the size of the building which has been extended and altered in various ways in the past. However, the size of the plot and its frontage*



*width are large compared to many properties on the estate as a whole and the ratio of building footprint to open site in terms of coverage, even with the extension in place, would not be excessive, in my conclusion.*

*Along the frontage to Abbotts Way distances between the flank sides of buildings vary considerably. The size of the undeveloped gap currently existing between Nos 3 and 5 is unusual and greater than is present in other locations, particularly those separating the buildings on the opposite side of the road.*

*The residual measure of separation between the opposing flank walls of the adjacent houses that would be created with the extension in place would be consistent with, or more than, that present in many other locations. Despite the greater frontage width of the appeal property compared to others within the vicinity, the character and appearance of the streetscene would not be unduly compromised. A reasonable gap between buildings would be maintained, preserving the special character of the area in an adequate way.*

The proposed extension will be visible from the public highway when passing the host property, and the house is visible from the Residents Gardens. The view from the Residents Gardens is largely screened by the existing mature trees, and is hidden for most of the year.

It is therefore my view that, while harm is caused by the proposals it is less than significant harm, and that, subject to the changes noted above being implemented, a refusal on the grounds of the impact on the character and appearance of the conservation area would be difficult to defend at appeal. Notwithstanding this there may be other issues (such as overlooking or overshadowing) that will need to be addressed in reaching a balanced judgement. If the changes are not made, there would in my view be reasonable grounds for refusal.

- 5.13 **City of Southampton Society** - No objection in principle so far as the public interest is concerned. But this house is in the conservation area. Any overlooking from the first floor would be unacceptable. The alterations would need to be in character for the house and the area. It is unclear how the building is occupied. Is it flats? Is the proposal to make it into flats, in which case the proposal is opposed. Though big, the house should be a family house, in keeping with the area.

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

- 6.1 The application needs to be assessed in terms of the design and impact on the character of the Conservation Area and the impact on residential amenity.

### **6.2 Design and Impact on the character of the Conservation Area**

- 6.2.1 Policy CS14 of the Core Strategy requires Conservation Areas to be protected from inappropriate development and for opportunities to enhance the character of Conservation Areas to be taken. The CAAMP details a strategy for preserving and enhancing the Conservation Area; within this, PRG2 is of particular relevance, requiring that the alteration and extension of existing dwellings respect the established characteristics of the Conservation Area.

- 6.2.2 The rear extensions at first floor level will not result in an increased footprint of the dwelling, as such, many of the requirements of PRG2 are conformed to. The extensions would result in an increase of the mass and the scale of the building to

the rear of the property, following the previous addition to the property granted permission in 2007. The additions are not, however, considered to result in an excessive increase in the mass and scale of the property, given the subordinate nature of the additions and the limited rearward projection. The alterations are designed to appear as modern gabled bay windows and, as noted, gabled bay windows are a common feature within the area. The NPPF notes that the planning system should not attempt to impose architectural styles or tastes on new development (para 59) and so, a more modern approach to the windows is acceptable. Similarly, the Residential Design Guide encourages design that modernises vernacular features. Furthermore, it is important to note that the individual design and style of properties within the Conservation Area varies, with the spatial characteristics of the area being the key unifying part of the character. As such, the design approach is considered to preserve the character of the Conservation Area.

- 6.2.3 Whilst the dwelling is large, the extensions would only be partially visible from Russell Place along the side elevation when passing the property. The extensions would also be visible during winter months from the Residents' Gardens to the rear, however would be screened by existing mature trees when these are in leaf. It is, however, not considered that the increase in size of the dwelling or dormer window would adversely impact on the character of the Conservation Area to the extent that a refusal of the application is warranted.

### 6.3 Impact on Residential Amenity

- 6.3.1 The extensions would project 2.929m in depth from the first floor rear wall. The greatest potential impact from the development would be to neighbouring property 14 Russell Place. The extension would be located approximately 1.5m from the boundary between the two properties; this presence at first floor will likely have an impact on the access to light that certain parts of the garden benefit from. However the boundary is well populated with established vegetation that provides strong screening and will reduce this impact, and it is considered that the neighbouring property will still enjoy a good level of outlook and daylight for the majority of the day. Furthermore, the subordinate roof design that pitches away from the boundaries with the neighbouring properties also minimises the impact of the works on the neighbouring occupiers. It is also important to note that the Residential Design Guide advises that where development is proposed close to the boundary of a garden, where a neighbouring garden area is large and enjoys outlook in a number of directions, other than the land being developed, the impact on the garden will be less acute.
- 6.3.2 There is a greater separation distance of approximately 4.5m between the host dwelling and the neighbouring property to the south 10 Russell Place. This distance will ensure that there the additions will not have a harmful impact on residential amenity. Furthermore the widening of the dormer window is not considered to result in further overlooking than that which is already possible as existing.

## 7. Summary

- 7.1 The proposed additions are considered to preserve the character of the Conservation Area and would not have a harmful impact on residential amenity.

## 8. Conclusion

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

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(f), 4(o), 6(a), 7(a),

**MG for 31/01/2017 PROW Panel**

**PLANNING CONDITIONS**

01. Full Permission Timing Condition (Performance 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 (Performance Condition)

The materials and finishes to be used for the external walls, 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 (Performance Condition)

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

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

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13 Fundamentals of Design  
CS14 Historic Environment

City of Southampton Local Plan Review – (March 2006)

|      |                                       |
|------|---------------------------------------|
| SDP1 | Quality of Development                |
| SDP7 | Urban Design Context                  |
| SDP9 | Scale, Massing and Appearance         |
| HE1  | New Development in Conservation Areas |
| HE2  | Demolition in Conservation Areas      |

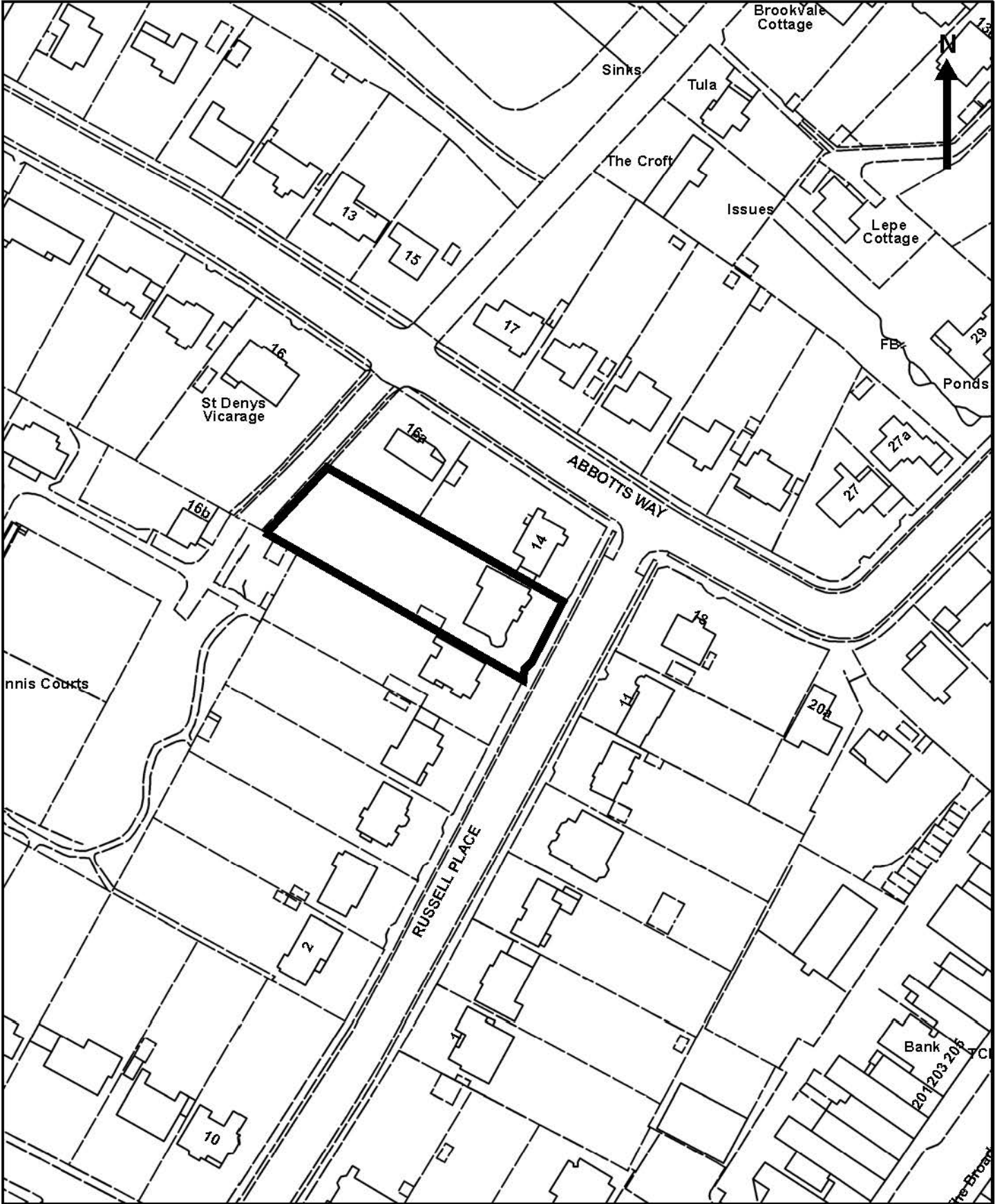
Supplementary Planning Guidance

Residential Design Guide (September 2006)  
Portswood Residents Garden Conservation Area Appraisal and Management Plan  
(PRG2, PRG5, PRG9, PRG11)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

# 16/01869/FUL



Scale: 1:1,250

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# Agenda Item 8

**Planning and Rights of Way Panel 31<sup>st</sup> January 2017**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

|  |  |                             |   |
|--|--|-----------------------------|---|
| <b>Application address:</b><br>Land adjacent to 65 Chamberlain Road/Southampton Common, University of Southampton                |  |                             |   |
| <b>Proposed development:</b><br>Replacement and widening of existing steps and ramp (temporary diversion of public right of way) |  |                             |   |
| <b>Application number</b>  | 16/01724/FUL   | <b>Application type</b>     | FULL  |
| <b>Case officer</b>  | Stephen Harrison   | <b>Public speaking time</b> | 5 minutes                                   |
| <b>Last date for determination:</b>  | 30/11/2016   | <b>Ward</b>                 | Portswood                                   |
| <b>Reason for Panel Referral:</b>  | Referred by Ward Cllr Claisse<br><br>Objection raised by the Southampton Common and Parks Protection Society (SCAPPS) should be referred to the Planning Panel | <b>Ward Cllrs:</b>          | Cllr Claisse<br>Cllr O'Neill<br>Cllr Savage |
| <b>Applicant:</b> University of Southampton  |  | <b>Agent:</b> N/A           |   |

|                               |                                      |
|-------------------------------|--------------------------------------|
| <b>Recommendation Summary</b> | i) Conditionally approve development |
|-------------------------------|--------------------------------------|

|   |           |
|---|-----------|
| <b>Community Infrastructure Levy Liable</b> | <b>No</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 were reported to the Planning and Rights of Way Panel on 31<sup>st</sup> January 2017, 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, SDP10, SDP11, SDP12, HE5, HE6, NE4 and L7 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS12 and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended

2015) as supported by the National Planning Policy Framework (2012)

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

## **Recommendation in Full**

- i) Conditionally approve the replacement and widening of the existing steps.

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

- 1.1 The application site comprises an existing set of steps and associated hard surfacing that links the western part of the University campus to Lover's Walk and the wider Common. The steps are within University ownership. The footpath link to Lover's Walk at the top of the steps is mainly within The Common. The Common is a designated Site of Importance for Nature Conservation (SINC).
- 1.2 The land from the Highfield Campus up to the top of the existing steps, and on either side, is owned by the University and the route is operated as a 'permitted route' by the University, although no formal designation exists. There is a level change from the footpath at the top of the steps (45.26 Above Ordnance Datum - AOD) to the base of the steps (41.53 AOD) of approximately 4 metres.

### **2.0 Proposal**

- 2.1 Full planning permission is sought to replace and widen the existing steps using materials of a similar nature, with tarmac at their base and a rolled gravel at their top. The existing steps are in need of investment and are an important route into the campus from the south. The existing steps measure 1.2 metres in width (2.1m including the side ramps) and this will be widened to 3.2 metres (4m including the cycle troughs). The width will be taken from the left hand side of the steps when viewed from the bottom (ie. away from The Common) and will include the removal of an existing Laurel hedge on the boundary with the University owned 65 Chamberlain Road. A stainless steel central, and one perimeter, handrail will be provided and concrete troughs will be provided on each side of the steps for cyclists to wheel their bicycles. The application form confirms that there will be replacement street lighting similar to existing, plus handrail mounted LED lighting within the steps, which will improve lighting levels on the steps without unduly increasing lighting levels on The Common. A single parking space will be lost to facilitate the change to the base of the steps.
- 2.2 The applicants cite the following objectives for this application:
- To replace the life expired current steps;
  - To provide increased capacity, particularly for pedestrians using the route;
  - To improve the environment for users of the steps – through better quality materials, lighting and hard and soft landscaping works; and
  - To improve safety and security, by making the steps more visible on approach and less enclosed by surrounding vegetation.
- 2.3 Partial vegetation clearance has already been undertaken as part of routine maintenance, and further vegetation removal would be needed on the south side of the steps in order to construct the scheme. The existing Laurel will be replaced with a new Yew hedge and a new Oak tree is proposed behind the hedge.



2.4 During the construction phase there would be a need to introduce a temporary diversion for pedestrians and cyclists for an anticipated maximum duration of 6 weeks. This route would take pedestrians heading north along Oakhurst Road and Hawthorn Road with access into the Campus taken from Chamberlain Road. This diversion does not require the approval of the Panel.

### **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 in **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 There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy seeks to ‘protect and enhance’ existing open space (Policy CS21). Paragraph 5.4.11 adds that *‘the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city’s rich natural environment’*. The LDF also safeguards international, national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22). These points are also echoed by the more general criterion of Policy CS13, which also promotes safe, secure, functional and accessible streets and quality spaces (Point 4); supports development that impacts positively on health, safety and amenity of the city and its citizens (Point 7); and seeks to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people (Point 9).

3.4 Although entirely separate from the planning process, with no bearing on the determination of this planning application, s38 of The Commons Act 2006 explains that additional consents are required from the Planning Inspectorate, on behalf of the Secretary of State, to carry out any works that would prevent or impede access to common land or for works for the resurfacing of land. These works could include:

- putting up new fences
- erecting buildings
- making ditches or banks
- resurfacing the land
- building new solid surfaced roads, paths or car parks

This point is explained in more detail within the Planning Considerations section of this report.

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

- 4.1 950346/295/W – Conditionally Approved 6th June 1995  
Provision of cycle path and relaying footpaths.
- 4.2 A subsequent application to the Department of the Environment, Transport and the Regions (DETR) was made under s.194 of the Law and Property Act (1925) for approval of the works to The Common. DETR approval was given, following a Public Inquiry, in November 1998.

#### **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 (28.10.2016) and publishing a press notice (28.10.16). At the time of writing the report **10 representations** have been received, with a mix of objection to, and support for, the development, including a Panel referral request from Ward Cllr Claisse. The following is a summary of the relevant planning related points raised:
- 5.2 At the time of writing 6 letters of support have been received (from residents living on Furzedown Road and Orchards Way). They comment that the steps are in need of upgrade and can be done so with limited disruption to nearby residents. The lack of an existing handrail makes them currently unsafe for people with mobility difficulties.
- 5.3 The objector(s) make the following points:
- a) The University owns land that could facilitate an alternative that would meet their requirements whilst offering improvements over the current proposals. There can be no justification for facilitating an increase in footfall/cycling when there are suitable alternatives that avoid the need to change the relaxed character of The Common. Any application for works to The Common (s.38 Commons Act 2006)) will fail due to the option of a less intrusive alternative.
  - b) In terms of the character and appearance of The Common, a designated heritage asset, the works require the removal of existing vegetation thereby harming the integrity of The Common and sense of enclosure at this point. No assessment has been provided within the application. The increase in width from 1.4m to 3.5m will undoubtedly create a much more substantial break in the vegetation defining the boundary of The Common. The application is, therefore, contrary to policies HE5 and CS13. Furthermore, the application fails to make reference to the medieval ditch and bank; the failure to reference this significant heritage asset, and the chosen design (akin to railway crossing steps of the 1950s), represents a conflict with policy.
  - c) In terms of character and appearance of the area generally the existing steps are overtly functional, but the proposed replacements should be designed to meet the high(er) standards expected of public realm proposals today. The proposed steps follow the same utilitarian theme but on a larger and more intrusive scale. There is no mention of landscaping and the only visuals fail to show the true impact of the proposals (including any new cycling trough). These steps would be grossly unsightly to a great many people.

- d) In terms of cycling the Local Transport Plan seeks to encourage cycling as part of a coherent cycle network, although there is precious little evidence in practice of an existing or planned coherent approach to facilitating cycling by the University itself. The promotion of this route for cyclists, that have to dismount amongst a potentially large number of pedestrians, is a sub-standard solution. This is unnecessary if the University utilised a separate ramp on land within its control (running from the north of Furzedown Road alongside 1 Oakhurst Road). As such the application is contrary to Policy SDP11.
- e) In terms of disabled access this proposal makes no provision for the disabled travelling between the two campuses or accessing the Highfield Campus at its south west corner. It is hard to understand how the University can espouse equality aims in principle but abandon them in practice. This access discriminates against disabled people. An alternative ramped route is possible within University control meaning that the application conflicts with policies SDP11 and CS13(9).
- f) In terms of ecology the application is supported by out of date (2012) information. An alternative ramped solution passing through the adjacent garden is likely to have less impact than that shown. Policy NE4 states that development will not be permitted which would adversely affect protected species unless the development cannot be met by reasonable alternative means.
- g) In terms of health and safety the objectors point out that the steps have been in use for 20 years in their current state and it is difficult to believe that there is a safety issue that could not be overcome by the suggested alternative route to the west of 1 Oakhurst Road. A claimed urgency due to health and safety should not weigh conclusively in favour of granting permission.
- h) The granting of permission for these steps could set a precedent for allowing further works to Lover's Walk or elsewhere on The Common.
- i) Failure to apply the development plan policies correctly makes their disregard potentially subject to judicial review.

5.4 **Southampton Common and Parks Protection Society (SCAPPS) – Objection** based on a number of points made within 2 separate deputations:

- a) The planning history for the existing steps should be fully declared before any application to replace them is determined and failure to do so would be open to legal challenge. The consent under s.194 of the Law and Property Act (1925) should be made available as part of this application.
- b) The University has failed to effectively engage with the public on these proposals.
- c) Queries raised regarding landownership, particularly in respect of s.194 decision and associated legislation directly affecting common land.
- d) SCAPPS are surprised that the University does not want to provide a more prestigious approach to the campus than the works shown.
- e) A landscaping scheme is needed with proposals extended on both sides of the steps. The information submitted so far fails to soften the visual impact of the steps.
- f) SCAPPS suspect that the submitted sections do not provide the finished level of the steps – whilst recommending that the steps should finish at the same level as Lover's Walk and that further plans are needed - and suggest that a gravel finish linking into Lover's Walk is unsafe and unnecessary.
- g) The submission seems unreasonably to have been constrained by a

misplaced desire to avoid a s.38 (Commons Act 2006) application to the Secretary of State (SoS). An application to the SoS is needed for the engineering works and temporary fencing;

- h) SCAPPS objects to the widening of the steps as there is no survey data, projections, forecasts or other explanation to support the University's assertion that the additional width is necessary. The proposed width is excessive and unnecessary.
- i) A principal objection to the original application for the steps was the impact of them (and an increase in activity) on those enjoying The Common as a place for recreation and relaxation – further intensification of this route as planned is wrong and there are better alternatives that avoid The Common.
- j) The City Council must explore these alternatives before it can consider this application and there is no need to increase the existing width. SCAPPS strongly objects to tacit acceptance of increased levels of use.
- k) The steps should remain primarily a pedestrian, and not a cycle, route. The previous consents included barriers to impede cycle use. The University should be required to submit the University's policy, plans or strategy for cycle access to, and circulation within, the Highfield Campus to explain how these proposals fit in with that wider strategy. SCAPPS support the use of new route for cyclists from Furzedown Road to the base of the current steps thereby reducing conflict.
- l) The temporary diversion shows a proposal for a temporary fence on the registered Common and such works require a s.38 application.
- m) The proposals discriminate against wheelchair users.

5.5 **Highfield Residents' Association (HRA) – Objection** based on a number of points:

- a) Procedurally the application is technically deficient and contains no assessment of the likely visual impact of the proposals on The Common or any justification of need.
- b) There has been no engagement with HRA, or other users of the steps, by the University ahead of the application being lodged.
- c) The application fails to recognise the crucial role of The Common as a key part of the City's heritage, rather than just as a convenient access route for (mostly) students, staff and visitors leaving or entering the campus.
- d) The planning application conflicts with development plan policies HE5, SDP11, CS12 and CS13 as it doesn't follow a robust design process and fails to make provision for the disabled.
- e) Finally the application has no up to date analysis of the potential ecological impact of the proposal.

5.6 **SPECTRUM Centre for Independent Living** – representing the views and interests of disabled people living across Southampton – objects to the lack of adequate disabled access proposed with this application and particularly for wheelchair users. The alternative access arrangements are indirect and therefore discriminates against disabled people (see policies SDP11 and CS13(9)). An alternative solution is possible that provides ramped access

5.7 **Officer Response**

*These various concerns are picked up separately within the Planning Considerations section of this report. The Planning Panel have a duty to determine this planning application, regardless of alternative options which the*

*applicants are not keen to implement. The lack of any survey work to demonstrate how the use of the existing steps has increased, thereby creating a need for their replacement, does not in itself warrant a planning refusal as it is clear from a site visit that this access point is currently well used (particularly by students). A copy of the 1998 DETR approval in respect of the existing steps is not appended to this report as it relates to access issues relating to The Common (as required by separate legislation) rather than the planning merits of the proposed development. This decision is, however, a public document and can be provided on request.*

## 5.8 Consultation Responses

### 5.8.1 SCC Highways – No objection

The works proposed do not affect any public highway or public right of way. There are permitted route rights and is more of a legal issue. As it is only temporary and the fact there's a suitable temporary diversion or alternative route provided for the public, there will be limited highway concerns.

5.8.2 *As an informative: The applicant will need to contact the highways team at Balfour Beatty in order to place the diversion signs on the highway (please note, the plans show vehicular diversion signs rather than pedestrian)*

### 5.8.3 SCC Ecologist – No objection following submission of amended plan Initial Comment:

I would like to lodge a holding objection to this planning application. The application site consists of an extensive area of hardstanding and a flight of steps running through a steep bank supporting deciduous woodland. Part of the site lies within the Southampton Common Site of Importance for Nature Conservation (SINC).

5.8.4 The majority of the application site is of negligible biodiversity value however, the deciduous woodland is likely to support a range of protected species including bats and breeding birds. It also lies within the Southampton Common SINC. Some vegetation has already been cut down and a further proportion of the shrub layer will need to be removed in order to allow the flight of steps to be widened. This will result in a loss of habitat and damage to the SINC. There is an indication in the Design and Access Statement that replacement planting will be occur however, no details have been provided.

5.8.5 Vegetation removal also has the potential to adversely impact nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). It is important, therefore, that any vegetation clearance should either, take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged.

5.8.6 The development as proposed has the potential for adverse impacts on biodiversity and I would therefore like to see details of the proposed replacement planting before consent is granted.

### 5.8.7 Officer Response

*A landscape plan has been submitted to address these concerns and the holding objection has been removed.*

5.8.8 **SCC Historic Environment Group Leader – No objection**

The site was investigated in 1995 (SOU 705, Southampton Archaeology Unit). No evidence was recovered for the existence of The Common boundary due to later disturbance. No archaeological conditions are required.

5.8.9 **SCC Tree Team – No objection** raised following the submission of an amended landscape plan showing the planting of an Oak Tree to the side of 65 Chamberlain Road.

**6.0 Planning Consideration Key Issues**

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

- a) The Principle of Development;
- b) Need & Residential Amenity;
- c) Design & Impact upon The Common;
- d) Highway Safety & impacts;
- e) Trees & Ecology; and
- f) Response to Third Party Objection.

**6.2 Principle of Development**

6.2.1 From a site visit during term time it is evident that this is a busy pedestrian access point into the University throughout the day. As a set of steps already exist the principle of improving them is considered to be acceptable. A detailed assessment of the proposal then follows.

**6.3 Need & Residential Amenity**

6.3.1 There is no Development Plan requirement for the University to demonstrate 'need' for their proposal. The proposed change to the steps will not facilitate a growth in student numbers at the University nor a significant increase in people using these steps (as predicted by the objectors). The University advise that the additional width is needed for health and safety reasons to cater for existing needs. Whilst SCAPPS, and others, are correct to point out that this assertion is made without any statistical analysis officers have visited the site on a number of occasions during term time and noted how busy this existing route is. This conclusion is also reached by those handful of residents that have written in to support the application.

6.3.2 It is considered that existing users are likely to continue to use the steps and those not needing to access the University at this point will continue to use other access points. It is considered unlikely that a widening of the steps will significantly change people's existing travel habits. Officers consider that the additional width to the steps will improve the experience for existing users without harming either existing residential amenity or removing existing accessibility.

6.3.3 The nearest residential properties are located along Oakhurst Road, and Chamberlain Road itself. These neighbours are already affected by users of the existing steps, and the proposed change will not have a detrimental impact on this existing arrangement.

## **6.4 Design & Impact upon The Common**

- 6.4.1 The existing steps serve a useful link between the built up character of the University, and the more verdant and open character of The Common. All parties agree that any development in this location needs to respect this important interface, and that Policy HE5 (Parks and Gardens of Special Historic Interest) is material in the determination of this planning application as it seeks to prevent development that would 'detract from the character or setting' of the City's parks and gardens of special historic interest. Furthermore, LDF Policy CS13 (4) promotes safe, secure, functional and accessible streets and quality spaces that contribute to place making and the quality of the public realm.
- 6.4.2 The existing steps are simple in design and are formed by a central sequence of steps bordered by a cycle ramp on both sides. The current proposals seek to follow the same simple design whilst introducing a perimeter and central handrail. The existing Laurel hedge along the south-eastern side will be removed and replaced with a Yew hedge as requested by the Council's Ecologist. This hedge will sit on the outside edge of the new perimeter handrail and will be supplemented by a new Oak tree on land within the University's ownership at 65 Chamberlain Road.
- 6.4.3 Objectors suggest that the design of the replacement steps does not achieve the high quality expected of the City's current planning policies and guidance and the additional vegetation clearance will harm the character of The Common. Limited vegetation clearance is needed, and some has already been undertaken as part of the ongoing maintenance requirements of The Common. Much of the land required to accommodate the extra width forms a worn bank on land adjacent to 65 Chamberlain Road which is currently marked with a Laurel hedge, rather than land with substantial planting. The applicants have provided a montage of the proposed steps to enable an assessment of the visual impact and officers have visited the site to review the proposals for themselves. It is considered that the simple and low key nature of the design is not offensive, or harmful, to the established character of the area and the supplemental planting is supported by officers. Given the low key nature of the existing steps officers do not consider that a more prestigious design is required before permission should be granted.
- 6.4.4 The proposed works are contained largely within the University's existing campus (and not the defined boundary of The Common) with the exception of the link from the top of the new steps into The Common's footpath network at Lover's Walk. The proposals would require a building up of the associated footpath (within The Common) by up to 500mm to secure a level landing, which the University suggest is a key safety enhancement. A rolled gravel finish is to be used and the plans show a barrier at the top of the steps to prevent cyclists riding to the top of the steps. A detailed section can be secured with the attached planning condition to ensure that an enforceable scheme is delivered.
- 6.4.5 The University have been advised by the Council that the use of rolled gravel does not require the approval of the Secretary of State through an application under s.38 of The Commons Act 2006. It is the opinion of SCC Legal Services that creating (or widening existing) unsurfaced or 'loosely surfaced' footpaths does not require s.38 consent. The legal advice is that raising the height and/or widening an existing gravel footpath would not require consent as long as the gravel surfacing was kept within the definition of 'loosely surfaced'. The cycle barriers

will, however, require s.38 consent and, whilst temporary fencing is exempt from the need to apply for full s.38 consent, a notice of exemption must be lodged with, and accepted by, the Planning Inspectorate before any temporary fencing is erected. It should be noted that this process is independent of planning and should not influence the determination of this planning application, which should be assessed on its own planning merits and the impacts of the proposed development. It is feasible that a scheme can secure a planning permission and then fail the s.38 application. These processes are independent of one another and the University are aware of this. Should permission be granted and the works are carried out without the necessary consents the Council would then need to consider whether or not to take enforcement action, although anyone can take civil action against someone who carries out works on a common without the correct consents.

## **6.5 Highways Safety & Impacts**

- 6.5.1 The proposed widening for people using the steps will inevitably improve the potential safety of these steps and allow more people to pass at peak times. The retained access for cyclists is not objectionable, given the existing arrangement, whilst accepting that the majority of cyclists would prefer not to dismount. The proposed cycle trough design, which differs to the current ramp solution, will provide a dedicated facility for cyclists. For those that are opposed to using the current or proposed steps there are already alternative routes that provide graded access to the University. The change proposed has been assessed by the Council's Highways Officer as acceptable.
- 6.5.2 There are no rights of way across The Common, although the steps themselves are a permitted route. The temporary diversion, applicable during the 6 week construction period whilst the steps are closed, would take users along Oakhurst Road, Hawthorn Road and Chamberlain Road. This diversion route equates to approximately 250 metres. Alternatively users can continue along Lover's Walk to the Salisbury Road entrance at the north-western edge of the campus. Again, there is no objection to this temporary diversion in planning or highway safety terms. It is considered that the development contributes, and will not adversely affect, to an attractive network of public routes and spaces for pedestrians and cyclists as required by Local Plan Review Policy SDP11. The issue of full access is considered later in this report.
- 6.5.3 There is no objection to the loss of 1 parking space given the significant provision made across the wider University campus.

## **6.6 Trees & Ecology**

- 6.6.1 The character of this part of the University Campus is predominantly characterised by The Common itself. The steps serve as a transition between the built up nature of the University and The Common. Following the initial objection from the Council's Ecologist, and the receipt of amended plans, the scheme now seeks to introduce additional indigenous planting following the removal of the existing Laurel hedge. This change represents an improvement and will assist the new steps to settle into the established character of the area, whilst also mitigating any direct impacts on local biodiversity. The application does not adversely affect species protected by law and, as such, Local Plan Policy NE4 is satisfied. The Council's Ecologist has removed her objection to the application. No trees will be



felled to facilitate the change, although further vegetation clearance is needed, and there are now no ecological or arboricultural objections to the application. As such, the application can be supported on these grounds.

## **6.7 Response to Objection**

- 6.7.1 In addition to a handful of letters of support (as outlined above) this application has attracted detailed objections from SCAPPS, the HRA, a group representing disabled users across the city and other third parties. In response to the specific points made above officers offer the following response to those points not already addressed by this section of the report:
- 6.7.2 Much of the objection to the widening of these steps hinges on the idea that the University could undertake an alternative solution that has less visual impact, whilst improving access to the campus for all users including cyclists and the disabled. The alternative proposals involve closing the existing steps and returning the land to a natural state at this point. Separate pedestrian and cycle paths could then be taken from the top of Furzedown Road along the side of The Common on land associated with the University's building at 1 Oakhurst Road. The applicant's Design and Access Statement confirms that *'consideration was given to a ramped access, but this would have been more visually intrusive, could have adversely affected trees on the University's Western boundary and increased costs greatly. A ramp also introduces new safety concerns relating to cyclist speeds and their safe egress onto Chamberlain Road...'*. The University, as with any applicant, are not obliged to make an application favoured by a third party
- 6.7.3 The Panel need to decide how much weight to attach to this alternative route. Whilst there is some merit to it this route does not have planning permission and there would be an additional cost implication for the University. Officers consider that, despite the alternative option, the University (as with any applicant) has a right to apply for development of their choosing and the Local Planning Authority has a duty to determine it following an assessment of the planning merits. Weight should not be afforded to an alternative suggested by a third party in these circumstances. In this case the widening of the existing steps is deemed reasonable and can be recommended favourably for the reasons set out above.
- 6.7.4 The Equality Act (2010) places, amongst other tests, a duty on the public sector (under s.149) to have due regard to the need to eliminate discrimination. Local Plan Policy SDP11 (Accessibility & Movement) seeks to promote an attractive network of public routes for pedestrians and cyclists, whilst securing *'adequate access for all pedestrians including people with mobility and sensory difficulties such as elderly people, disabled people, the very young and those using prams and wheelchairs'*. This Policy is supported by LDF CS13(9) that also seeks to improve access for all.
- 6.7.5 In this case, there is an existing set of steps that do not provide full access for all users, although the wider campus is accessible and permeable from all directions. The Panel needs to decide whether or not any works to these existing steps should automatically include a ramp in order for them to be compliant with Policy SDP11. Officers would suggest that only in circumstances where no access currently exists would it be correct to apply the full meaning of Policy SDP11 and CS13(9). In these current circumstances it is materially relevant that the existing steps do not provide a ramp, the proposals are not removing wheelchair access, and the 4

metre change in level at this location prohibits the introduction of a ramp alongside these steps without causing significant harm. Furthermore, the additional width is supplemented by a second handrail thereby easing access for some users. There may well be alternatives, as outlined above and promoted by objectors to the application, but a refusal of this planning application against Policy SDP11 and SC13(9) – because it doesn't include a ramp or provide full access - would be difficult to sustain at appeal given the current circumstances particularly as it is not feasible or practicable and no policy conflict therefore arises. Furthermore, when the Secretary of State determined the previous s.38 application they made the following remarks in relation to disabled access:

- 6.7.6 *'The Secretary of State notes that, although there would be minimal obstruction to pedestrians, access by persons in wheelchairs would be impossible because of the provision of steps. However, unrestricted access to The Common is available at other nearby locations, at the ends of Salisbury Road and Oakhurst Road, and he accepts the Inspector's view that, whilst the unsuitability of this access for wheelchairs is unfortunate, it is not a compelling objection to the proposed works'* (DETR letter 20<sup>th</sup> June 1997 – paragraph 9).
- 6.7.7 An approval of this planning application does not set a difficult precedent for determining subsequent planning applications along, and including, Lover's Walk as the planning merits of each case will differ and should be assessed on their own individual circumstances. Similarly, officers consider that this report, and its recommendation, provides the Panel with sufficient detail of the site's planning history and planning policy context in order to reduce the potential threat of a judicial review of any decision. The existing steps secured planning permission in 1995, and the necessary consent for development within The Common then followed. A similar scenario may well follow in this case.
- 6.7.8 The third party criticism of the University and its pre-application involvement with SCAPPS and others ahead of the planning application submission is a matter for these parties, rather than the planning application itself. The University advise that they did engage and objectors suggest that they didn't. Given the relatively minor scale and nature of development proposed (ie. not a 'Major' application as defined by legislation) there is no formal planning requirement for the University to engage ahead of submission as there would otherwise be for a 'major' proposal.

- In response to the suggestion by SCAPPS that the submitted sections do not provide the finished level of the steps and that a gravel finish linking into Lover's
- 6.7.9 Walk is unsafe the University has been asked to provide further detail. Further details have been provided and a build-up of up to 500mm is required to secure a level approach from the footpath to the top of the reconfigured steps; a further sectional drawing can be secured with the attached planning condition. This level of works is acceptable in planning terms and the use of a rolled gravel has also been assessed as acceptable for this location.

## 7.0 **Summary**

- 7.1 This planning application seeks to replace an existing set of steps that link the University of Southampton with Lover's Walk and the wider common. The existing steps are no longer fit for purpose and are in need of investment. There is also a capacity issue with the University seeking to increase the width of these steps to accommodate the safe movement of people at peak times. The planning

application has been assessed as acceptable in terms of highway safety, biodiversity and tree impact, and design and the scheme is recommended for conditional permission accordingly. Other considerations including the previous history of the steps, the need to provide satisfactory disabled access, the potential for a more satisfactory solution, and the need for avoiding future precedents have been considered but do not outweigh the circumstances of this case or the wider benefits that granting planning permission will bring.

## **8.0 Conclusion**

8.1 It is recommended that conditional planning permission for this development is granted.

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

1(a)/(b)/(c)/(d), 2(b)/(d), 4(f), 6(a)/(b).

### **PLANNING CONDITIONS to include:**

#### **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.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.

#### **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 with a section showing existing and proposed spot heights and the proposed build up to the top of the steps (Above Ordnance Datum - AOD); means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting, handrails and barriers 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. details of any proposed boundary treatment, including retaining walls; and,
- iv. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to the first use of the replacement steps, 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.Tree Retention and Safeguarding (Pre-Commencement Condition)**

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

Reason:

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

#### **Note to Applicant**

The applicant's attention is drawn to the possible need for approval for works under s.38 of the Commons Act (2006) and the granting of planning permission in no way overrides the need for other consents or approvals that may be necessary.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

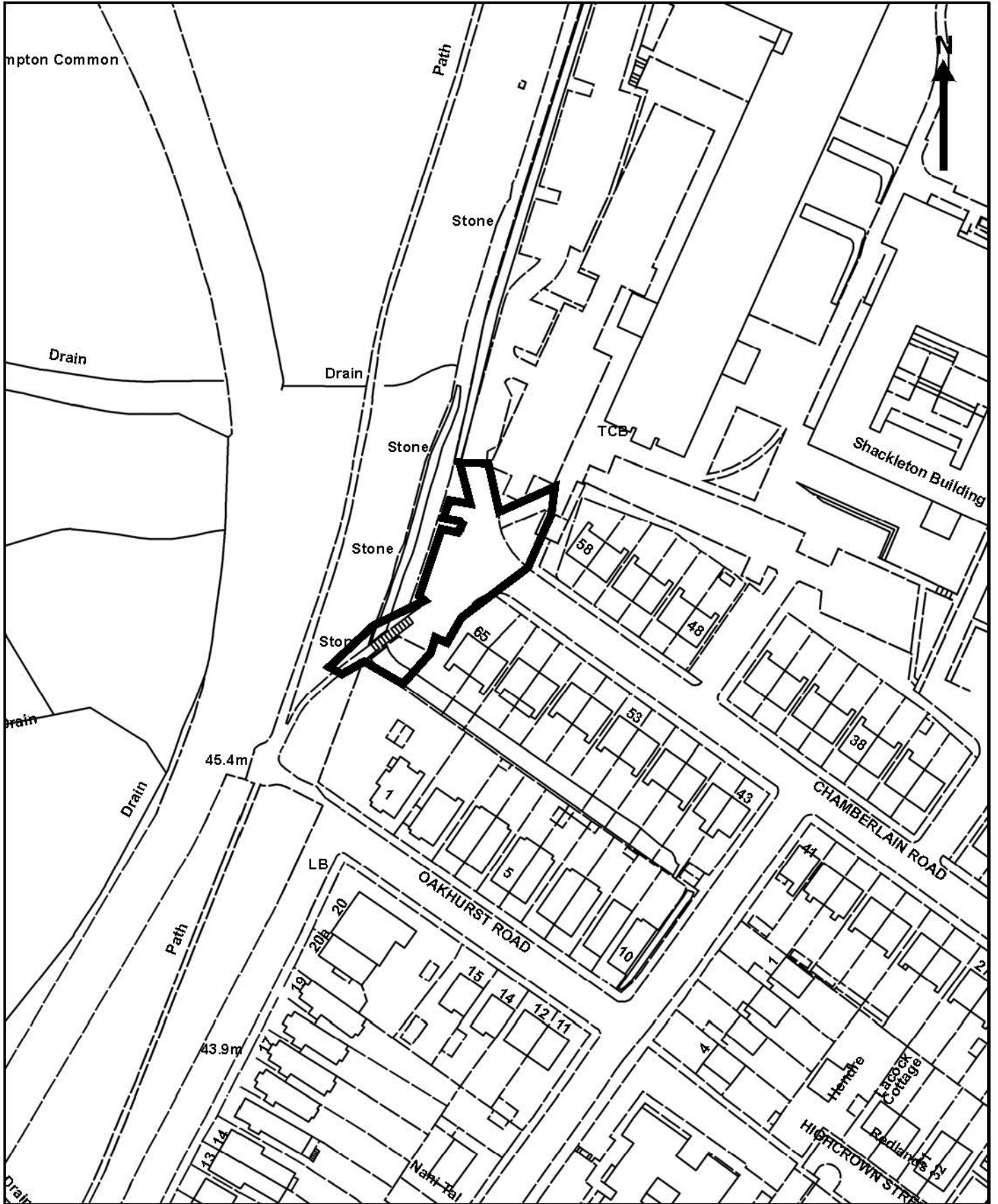
|      |  |
|------|--|
| CS11 | An Educated City                             |
| CS13 | Fundamentals of Design                       |
| CS22 | Promoting Biodiversity & Protecting Habitats |

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

|       |  |
|-------|--|
| SDP1  | Quality of Development                       |
| SDP7  | Context                                      |
| SDP10 | Safety & Security                            |
| SDP11 | Accessibility & movement                     |
| SDP12 | Landscape & Biodiversity                     |
| HE5   | Parks & Gardens of Special Historic Interest |
| HE6   | Archaeological Remains                       |
| NE4   | Protected Species                            |
| L7    | University of Southampton                    |

Other Relevant Guidance

The National Planning Policy Framework (2012)



Scale: 1:1,250

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# Agenda Item 9

## Planning and Rights of Way Panel 31<sup>st</sup> January 2017 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

|  |  |   |   |
|--|--|---|---|
| <b>Application address:</b><br>Southampton Common Paddling Pool, The Common, Southampton   |  |   |   |
| <b>Proposed development:</b><br>Installation of a replacement play area with fencing, associated structures and changes in level, following removal of paddling pool |  |   |   |
| <b>Application number</b>  | 16/01883/R3CFL                                       | <b>Application type</b>                     | R3CFL (Council)                           |
| <b>Case officer</b>  | Stephen Harrison                                     | <b>Public speaking time</b>                 | 5 minutes                                 |
| <b>Last date for determination:</b>  | 27.12.2016   | <b>Ward</b>                                 | Shirley                                   |
| <b>Reason for Panel Referral:</b>  | Five or more letters of objection have been received | <b>Ward Cllrs:</b>                          | Cllr Chaloner<br>Cllr Coombs<br>Cllr Kaur |
| <b>Applicant:</b> Southampton City Council   |  | <b>Agent:</b> Tony Hill (SCC Play Services) |   |

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

|   |           |
|---|-----------|
| <b>Community Infrastructure Levy Liable</b> | <b>No</b> |
|---|-----------|

### Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed play area requires planning permission although it is noted that certain works could, in isolation, be considered as 'permitted development' under Schedule 2 Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015). The replacement play facility is supported by the Development Plan. Other material considerations including the loss of the existing paddling pool and subsequent impacts on trees, archaeology and ecology have been considered, were reported to the Planning and Rights of Way Panel on 31<sup>st</sup> January 2017, 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, SDP10, SDP11, SDP12, HE5, HE6, NE2, NE3 and NE4 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS19, CS21 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the National Planning Policy Framework (2012).

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

## **Recommendation in Full**

Conditionally Approve

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

- 1.1 This planning application relates to the replacement of children’s play equipment, and removal of the paddling pool, on The Common. The application site itself is currently formed by the existing concrete paddling pool, which is contained by a low level fence, but then extends eastwards towards the boulevard of trees that links through to the Cowherds pub, thereby taking in 4 Oak Trees, a Redwood and a Horse Chestnut. The site sits on a mound above what is otherwise a level part of The Common.
- 1.2 As the Panel will be aware The Common is defined by its expansive areas of open character and associated vegetation and tree cover. Whilst much of The Common is designated as a Site of Special Scientific Interest (SSSI) for its wildlife, the application site and the existing play area are located outside of this designation. The site does, however, form part of a Site of Importance for Nature Conservation (SINC), which is a local designation. The land is within Council ownership and the nearby Cowherds pub is a Grade II listed building.

### **2.0 Proposal**

- 2.1 Full planning permission is sought by the Council (as applicant) to replace the existing children’s play area and paddling pool with a new bespoke facility.
- 2.2 In January 2016 a report was taken to the Council’s Cabinet seeking approval to undertake a consultation for the design of the proposed play area with delegation given to undertake the necessary work *‘to progress the delivery of the Play Area at Southampton Common, including but not limited to entering into contracts for goods and services, obtaining consents and permissions and any other ancillary or related matters’*. The Cabinet supported the recommendation and also approved the addition of up to £500,000 to the Environment and Transport (City Services) Capital Programme for the Southampton Common Play Area.
- 2.3 The brief to the consultants was to design a new play facility integrating water play and dry play onto and adjacent to the site of the existing paddling pool. The paddling pool will be decommissioned and the play area moved to the site it currently occupies. The new play facility would include state of the art water play as well as the more traditional climbing and swinging apparatus. The facility would be extended beyond the existing paddling pool footprint to include land to the east.
- 2.4 The Cabinet report highlighted that removing the paddling pool with ‘water play’ would have the benefits of removing the need to provide life guards; it could be open for extended periods of good weather; the costs for the filtration and chlorination plant are likely to be reduced; and there would be no filters for newts to fall into reducing risk to the Council of breach of environmental and protected species legislation.



- 2.5 As part of a bespoke design the proposals include, within a 1.2 metre high galvanised steel mesh boundary fence with self-closing gates, 4 metre long oak benches with back rests, 7.5 metre high play tower featuring rope bridges, tunnels, scramble nets and a long slide, a variety of swings, an embankment slide and ramp, a hollow log climbing structure, water play areas including hand operated pumps, arrow and shallow concrete channels and sluice gates, a small waterfall over boulders into various channels, natural swales area featuring stepping stones and low timber bridges, decking and sand area, 5 no. three metre high climbing trees, a 4.3 metre high double zip wire, an accessible roundabout, bespoke tree top nests – featuring two nests, a bridge slide, tunnel and accessible ground nest, picnic benches with associated landscaping and an improved footpath link down to the Hawthorns Centre. The applicants also seek to repaint the existing kiosk building.
- 2.6 The space will be able accommodate up to 600-700 visitors at one time. There will be no new vehicle parking provided in these proposals, but there are existing pay and display and on-street parking spaces available on the perimeter of The Common. Cycle racks will be included at each pedestrian gate entrance (for a total of 15). Dog tethering posts will be included at each pedestrian gate entrance. Bins will be provided at each gate entrance. No lighting or CCTV are included in these proposals.
- 2.7 The existing play area will remain until the new one is fully operational and then the land will be re-turfed. The adult fitness area and the cycling proficiency areas will remain where they are.
- 2.8 This scheme requires planning permission, although the Council is afforded an extensive range of ‘permitted development’ allowances as set out in Schedule 2 Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015), as will be explained later in this report.
- 2.9 Works on the Common of the nature proposed would require prior consent from the Planning Inspectorate (on behalf of the Secretary of State) under S.38 of the Commons Act (2006), even if the Panel were supportive of the development in planning terms.

### **3.0 Relevant Planning Policy**

- 3.1 The NPPF came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.2 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (Amended 2015) and the City of Southampton Core Strategy (Amended 2015). The most relevant policies to these proposals are set out at **Appendix 1** to this report.
- 3.3 In terms of the Council’s ‘permitted development’ allowances, meaning that planning permission would not be required, Schedule 2, Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order

(2015) allows for:

*The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of*

- (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;*
- (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.*

3.4 The only limitation to these provisions is that any small ancillary building, works or equipment shall not exceed 4 metres in height or 200 cubic metres in capacity.

3.5 On this basis officers consider that whilst full planning permission has been sought for a replacement playground, and the Panel has a duty to consider the application as a whole rather than pick and choose the parts that may need permission, only the structures exceeding 4 metres in height, namely the 7.5 metre high play tower and 4.3 metre tall double zip wire, would strictly trigger the need for planning permission had they been submitted as standalone items.

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

4.1 None of relevance.

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

5.1 The Council (as applicant) undertook its own public consultation prior to the submission of its planning application. Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken, which included erecting 5 site notices on 25<sup>th</sup> November 2016. At the time of writing the report **8 objections** have been received. In addition there has been a Panel referral request from Cllr Moulton, and an objection from the Southampton Common and Parks Protection Society (SCAPPS) as set out below. The following is a summary of the relevant planning related points raised:

5.2 **Generally supportive of upgrading existing children's play equipment, but all feel strongly that the existing paddling pool should be retained and the replacement water play offer (similar to that at St James' Park – which often fails) is no substitute. A water splash park would be a better alternative to that shown. The current paddling pool is packed during the summer. Access to play for disadvantaged families will be severely restricted as they will no longer have access in the city to free water play of the type currently on offer. Wheelchair access to the facility needs careful thought. The comments made at the public consultation stage have been ignored.**

#### **Response**

*The main point regarding the loss of the paddling pool is made by all objectors and is clearly an emotive issue and one that, I suspect, would have been made by more people had the application been made in the Summer months when the existing paddling pool is in full use. In strict planning terms the existing paddling*

*pool is not specifically protected by the Development Plan, and the applicant and owner (the Council in this case) could, arguably, infill up to 200 cubic metres of the pool under Part 12 of the GPDO without the need for planning permission. Failing that, the Council could also close the pool indefinitely without the need for planning permission. As such, any concerns regarding the loss of the paddling pool can only be afforded limited weight in the determination of this planning application and the objection is better made to the Council as owner and applicant. That said, the Council's Cabinet has already resolved to explore its closure when it considered and approved the scope for alternative proposals in January 2016.*

### 5.3 **Consultation Responses**

#### 5.4 **SCC Ecology – Initial objection addressed by condition**

The application site lies on Southampton Common and is currently used as a children's paddling pool. It lies close to, but outside, the Southampton Common Site of Special Scientific Interest (SSSI). Habitats present include amenity grassland, hard surfaces, trees and a small building. These habitats are of generally low ecological value however, great crested newt, *Triturus cristatus*, a species for which the SSSI is designated, has been found around the paddling pool.

5.5 The proposed development will involve the removal of the existing concrete paddling pool and replacement with a range of play structures, hard surfacing, sand and new planting. It is unclear how much amenity grassland will be lost however, with the addition of new tree planting this is unlikely to have an adverse ecological impact. The existing paddling pool is currently heavily used in the summer so the replacement play area will not introduce any new activities.

5.6 I support the lack of lighting which avoids potential impacts on nocturnal species including great crested newts and bats.

5.7 One area of concern is the presence of wet grassland and swale features which could be attractive to great crested newts. This would potentially put newts at risk of being injured or killed. Although the surrounding habitat is generally unsuitable for the newts they have been found in the drains of the existing paddling pool. It is not clear from the submitted information how newts will be kept out of the play area and I would like this to be clarified. I am also concerned about construction stage impacts from works required to change the gradient of the footpath to the hawthorns. The avoidance strategy section of the Phase I Survey & Mitigation Strategy does not mention the footpath or define the area of impact and needs to be amended to include it. I would also like to see a plan added to the Phase I Survey & Mitigation Strategy clearly showing the areas to be cleared by hand and the location of the site fencing.

5.8 The issues I've raised aren't fundamental and could be addressed through an improved mitigation strategy secured via a condition. This strategy would, however, need to address the operational phase in addition to the construction phase.

#### 5.9 **SCC Tree Team - No objections to the proposal in principle**

There are a few inconsistencies in the arb report (e.g. two 'U' rated trees advised for removal, one 'U' rated tree advised for retention) but nothing that can't be sorted out with a pre-start site visit.

5.10 **SCC Heritage – No objection**

The majority of the works are contained within the former No 2 Reservoir. However, works outside of the footprint of the reservoir (including new footpaths, tree planting and any foundations) may damage archaeological remains. Therefore if consent is granted conditions should be attached.

5.11 **SCC Contamination – No objection**

The subject site is situated on land once occupied by a reservoir. The reservoir would have been backfilled with an unknown material which may have the potential to cause land contamination. Therefore I would recommend that a condition is added.

5.12 **SCC Environmental Health – No comment**

5.13 **SCC Highways – No highway objections**

5.14 **SCC Design – No objection**

5.15 **Hampshire Constabulary – No objection subject to CCTV**

There is no doubt in my mind that this facility would be an attractive target for crime and anti-social behaviour of varying types, further encouraged by the lack of an appropriate secure boundary. The application refers to the Jubilee Way Playscape in Kingston on Thames and having spoken to my colleague in that area I can confirm that similar incidents have occurred there. I can understand the desire not to make this a fortress enclosure but if that is the decision then the only other option is to provide some other form of 'capable guardian', i.e. CCTV (with or without lighting).

5.16 Lighting is a bit of a Catch 22, whilst it can be used to identify suspicious activity for further investigation, it is arguable that the lighting would only encourage attendance at night and that it is better to keep the place in darkness. If the facility is well overlooked from busy public spaces during the hours of darkness and there is a potential for activity there to be reported then lighting might help but I suspect this might not be the case and therefore, no lighting is considered the better option.

5.17 CCTV however is a MUST have in terms of providing a deterrent and a means of preventing incidents escalating (if monitored) and subsequently gathering evidence. The applicant should balance the cost of CCTV against the potential replacement and management costs and the equally important effect that crime and anti-social behaviour would have on the community and their ability/desire to use the facility. There are many examples where damage, graffiti, discarded drug paraphernalia, alcohol containers and broken glass have prevented or deterred children and parents from using or visiting them again.

5.18 Looking at the proposals, I would suggest that a single mega pixel 360 degree, pole mounted camera would be appropriate. Whilst it would be more expensive than a traditional camera, it would more than do the job of 4 standard fixed cameras, be capable of zooming in on areas even after an incident has occurred and they are less expensive to maintain.

5.19 **Response**

*Officers agree that the installation of lighting would cause more planning objections to the scheme than would be solved. The requirement for CCTV by the Police is noted and forms a material consideration in the Panel's deliberations, but does not form part of the current proposals or the existing playground. Officers do not seek to impose a condition requiring CCTV but have made the applicant aware of the above comments. As the Council is landowner the provision of CCTV is something that can be installed in the future in the event that it becomes necessary. A refusal based on the lack of CCTV, when the existing play area doesn't have CCTV, is not deemed to be sustainable or reasonable.*

- 5.20 **Southampton Common and Parks Protection Society (SCAPPS) – Objection**  
SCAPPS submitted a representation on the Commons Act section 38 application which has yet to be determined (copy attached for information). There has been further exchange of responses; most recently giving the City Council's undertaking 'to work with SCAPPS during the detailed design stage'. SCAPPS welcomes & accepts that undertaking as a way to seek resolution of the various issues set out in SCAPPS' initial representation on the section 38 application.
- 5.21 SCAPPS welcomes the intention to invest in a replacement children's play area on The Common but regrets the loss of the only paddling pool in the city. SCAPPS intends working with the City Council to see if a paddling pool could be provided in another of the city's parks which can be designed so it has lower operating costs than the present pool on The Common.
- 5.22 Path to Hawthorns: Providing a safe, obvious and easily used link between new play area & The Hawthorns is a fundamental design requirement. It is unclear whether the earthworks needed to provide that path are included in the planning application (the route is not shown on the application site plan...?). No longitudinal section submitted to show scale/extent of earthworks to ease the gradient on the path; SCAPPS is content to accept this can be resolved later but the planning permission must include consent for the necessary earthworks and construction of the path.
- 5.23 Fencing against Coronation Avenue: City Council's latest response agrees that the line of fencing shown in the application plans may be amended to pull back the fencing on east side (shown on plans as hard against the tarmac path) from the path edge because it would be undesirably obtrusive in views along Coronation Avenue. The application should be amended or flexibility given in the permission so the fence can be relocated west of the trees lining the Avenue, reducing the size of the fenced area.
- 5.24 SCAPPS takes this opportunity to press the City Council to reinvigorate the urban-wildlife-centre element of The Hawthorns and its grounds. The initiating concept some 30 years ago was that The Hawthorns and its grounds should provide an exciting and interesting opportunity for children to experience nature at first hand. The displays are in need of updating/reinvigorating. The grounds no longer provide children with the chance to experience and interact with nature. Updating & improving the urban wildlife centre 'offer' should be timed so it is completed at the same time the play area opens -- the two should be undertaken together because one of the strong points made by the consultants was that the new play area should spark children's interest in exploring the natural aspects & wildlife of The Common. That objective seems, regrettably, to have been put to one side

5.25 **Response**

The applicants have provided the following response to SCAPPS:

*“The re-provision of a paddling pool in the City can be discussed at a later stage, but is not in current scope. The footpath (to the Hawthorns) has not been included within the red line of this application as it was considered to fall under the Council’s permitted development rights as set out in Schedule 2 Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered to be small works not exceeding 4m in height or 200 cubic metres in capacity. It does however fall within the Blue line of the council’s ownership and therefore can be part of any conditions that Planning wish to impose, should they be minded to grant permission. We have made a commitment to improve this existing path and to ensure that it becomes a well-used route between the two facilities throughout the consultation period. Our intention is to reduce the gradient and to make the path much easier to use. Reducing the bank at the top end of the path, adjacent to the existing paddling pool, is within the red line and will be part of the overall groundworks to install the new play area.*

5.26 *The proposed fencing was placed in its current position after consultation so that no possible archaeological issues would be encountered, no problems would be encountered with tree roots, and there would be no need to excavate and lay a hard surface entrance route from Coronation Avenue to Play Area.*

5.27 *The updating of the Hawthorn Centre is a future project extending from the Play Area once funding has been identified, but is not in current scope. We do see the current play area and water features as contributing to the biodiversity of the Common and education through nature for children. Creating additional habitats free from chemicals and filtration systems. The great crested newt is an endangered amphibian known to exist in the area and it needs to be encouraged. The water play area will allow children to explore the various principles of natural water dynamics. The proposed planting of trees, shrubs and grasses will be another natural feature encouraging children to look, smell and touch, in other words very sensory. Having had initial consultations with local schools, able bodied and those where children have additional needs, we intend to revisit these schools encouraging future planning.”*

**6.0 Planning Consideration Key Issues**

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

- a) The Principle of Development & Residential Amenity;
- b) Design & Impact upon The Common;
- c) Trees & Ecology; and

**6.2 Principle of Development & Residential Amenity**

6.2.1 There are various levels of planning policy and legislative protection afforded to The Common. At the local level the LDF Core Strategy seeks to ‘protect and enhance’ existing open space (Policy CS21). Paragraph 5.4.11 adds that ‘*the LDF will seek to protect and improve the quality of open spaces and ensure adequate provision in a way which delivers the best outcome for the community, promotes participation in sports and active recreation, health and well-being and has regard for the city’s rich natural environment*’. The LDF also safeguards international,

national and local designated sites from inappropriate development, thereby promoting biodiversity and protecting habitats (Policy CS22). These points are also echoed by the more general criterion of Policy CS13, which also supports development that impacts positively on health, safety and amenity of the city and its citizens (Point 7), whilst seeking to improve accessibility throughout the city by ensuring that developments, including public places, are accessible to all users including senior citizens and disabled people (Point 9).

- 6.2.2 Within this policy context it is considered that the principle of replacing one play area with another, albeit with a different offer, can be supported. The infilling of the paddling pool and its subsequent loss, whilst regrettable and clearly a concern to those objectors that have written to oppose the scheme, is not something that the planning system can guard against given the ability of the Council to either close the facility in any event, or invoke their 'permitted development' allowances as set out above.
- 6.2.3 The nearest residential neighbour, excluding any accommodation above the Cowherds pub (which is 80 metres from the site), is located on the opposite side of The Avenue with some 150 metres separation. The Common is managed by Southampton City Council, who as a reasonable and responsible authority, will take the necessary measures to ensure that the park is managed and maintained properly. Should problems be caused to local residents by the late night use of the play area then other controls are in place. The development should not directly impact upon the residential amenity of local residents and is, therefore, compliant with Local Plan Policy SDP1(i) as supported by LDF Core Strategy Policy CS13(7).

### **6.3 Design & Impact upon The Common**

- 6.3.1 Local Plan Review Policy HE5 seeks to ensure that development does not detract from the 'character or setting' of existing parks. In terms of design, the proposal is considered to create a vibrant and dynamic play space that will appeal to all age ranges. It has been described by the application as a 'Nature Play Trail'. While it is appreciated that some structures themselves have a height of over 4m (namely the 7.5m high bridge tower to the north of the existing paddling pool, and the 4.3m high zip wire top the east of the existing pool) the materials that they will be built from will be sympathetic to the parkland setting. The proposed landscaping will work to integrate the play equipment into the overall setting and appearance of The Common and soften the appearance of some of the more dominant structures.
- 6.3.2 In this instance the proposed development is focused upon areas of existing development. Whilst the play equipment will sit predominantly upon the site of the existing paddling pool, it will also be sited further eastwards towards the tree lined footpath on an area of existing open grassland. A low fence will mark this boundary. In mitigating against this impact it should be noted that the design of the play equipment involves natural materials and utilises timber as the predominant feature. The re-turfing of the land where the existing outdated equipment is located is also relevant to this consideration, and a condition is recommended to secure its removal following the completion of the works for which permission is sought. The replacement of play equipment is considered to respect the character of The Common and, with the exception of the paddling pool loss, improves the offer for children and the appearance of the park for all users.

## **6.4 Trees & Ecology**

- 6.4.1 The planning application is supported by an up to date Tree Survey (October 2016) and Phase I Ecological Survey and Mitigation Strategy (September 2016). These documents have been assessed by the relevant consultees as acceptable and planning conditions are recommended to secure further information as the scheme is implemented.
- 6.4.2 The proposed play area incorporates existing trees into its design assisting in softening the appearance of the scheme, and the existing tree cover will be supplemented by additional soft landscaping. A formal landscaping plan can be secured with the attached planning condition.
- 6.4.3 The site is located within a designated SINC, away from the SSSI designation, but is often a habitat for newts meaning that further approvals may be required before implementation can take place. The submitted survey work concluded that the site is generally of low ecological value. The scheme has also been assessed by the Council's Ecologist as compliant with Local Plan Review policies NE2, NE3 and NE4, as supported by LDF Policy CS22, subject to the attached planning condition securing further details.

## **7.0 Summary**

- 7.1 This planning application directly affects The Common. The replacement play area offers access for all users to a new facility, and replaces the dated equipment currently found on site. The main objection cited by third parties to the application concerns the loss of the existing paddling pool. There are no planning grounds for objecting to the loss of the paddling pool as it could be infilled, in part, without planning permission under Schedule 2, Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order (2015). The legislation allows for the alteration by a local authority, such as the Council, of any works on land belonging to or maintained by them required for the purposes of any function exercised by them on that land. The existing paddling pool is well used in Summer months but is not without ongoing maintenance burden to the Council. The replacement equipment has been assessed as acceptable in terms of its impact upon the character of The Common and its associated ecology, tree cover and archaeology. It has been sensitively located to mitigate against its impact and can be supported.

## **8.0 Conclusion**

- 8.1 It is recommended that conditional planning permission for this development is granted.

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

1(a)/(b)/(c)/(d), 2(b)/(d), 4(f), 6(a)/(b).

### **PLANNING CONDITIONS to include:**



### **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.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.

### **3.Archaeological watching brief**

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.

### **4.Archaeological watching brief work programme**

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

Reason:

To ensure that the archaeological investigation is completed.

### **5.Tree Retention and Safeguarding (Pre-Commencement Condition)**

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

Reason:

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

### **6.No storage under tree canopy (Performance)**

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site

within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

### **7.Unsuspected Contamination (Performance)**

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.

### **8.Ecological Mitigation**

Notwithstanding the submission of EcoSupport Limited Phase I Survey and Mitigation Strategy (September 2016) no works to implement the playarea hereby approved shall be carried out until a further Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. This document shall detail, for instance, the loss of amenity grassland, with further details of the wet grassland and swale features which could be attractive to great crested newts (with measures to prevent them accessing the new playarea), construction stage impacts from works required to change the gradient of the footpath to the hawthorns with a plan added to clearly showing the areas to be cleared by hand and the location of the site fencing. An operational mitigation strategy is also required. The playarea hereby approved shall be implemented and operated in accordance with the agree details.

Reason:

In the interests of local biodiversity and to satisfy the concerns raised by the Council's Ecologist to the planning application.

### **9.Phasing**

With the exception of the existing adult fitness area and cycling proficiency area which are to be retained, all existing play equipment shall be removed from The Common and the land re-turfed within 6 months from the new play area first coming into public use.

Reason:

In the interests of visual amenity and to mitigate against the new play areas encroachment into existing areas of grassland.

### **10.Hard & Soft Landscaping**

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; pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, 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. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out prior to the first use of the playarea hereby approved 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

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

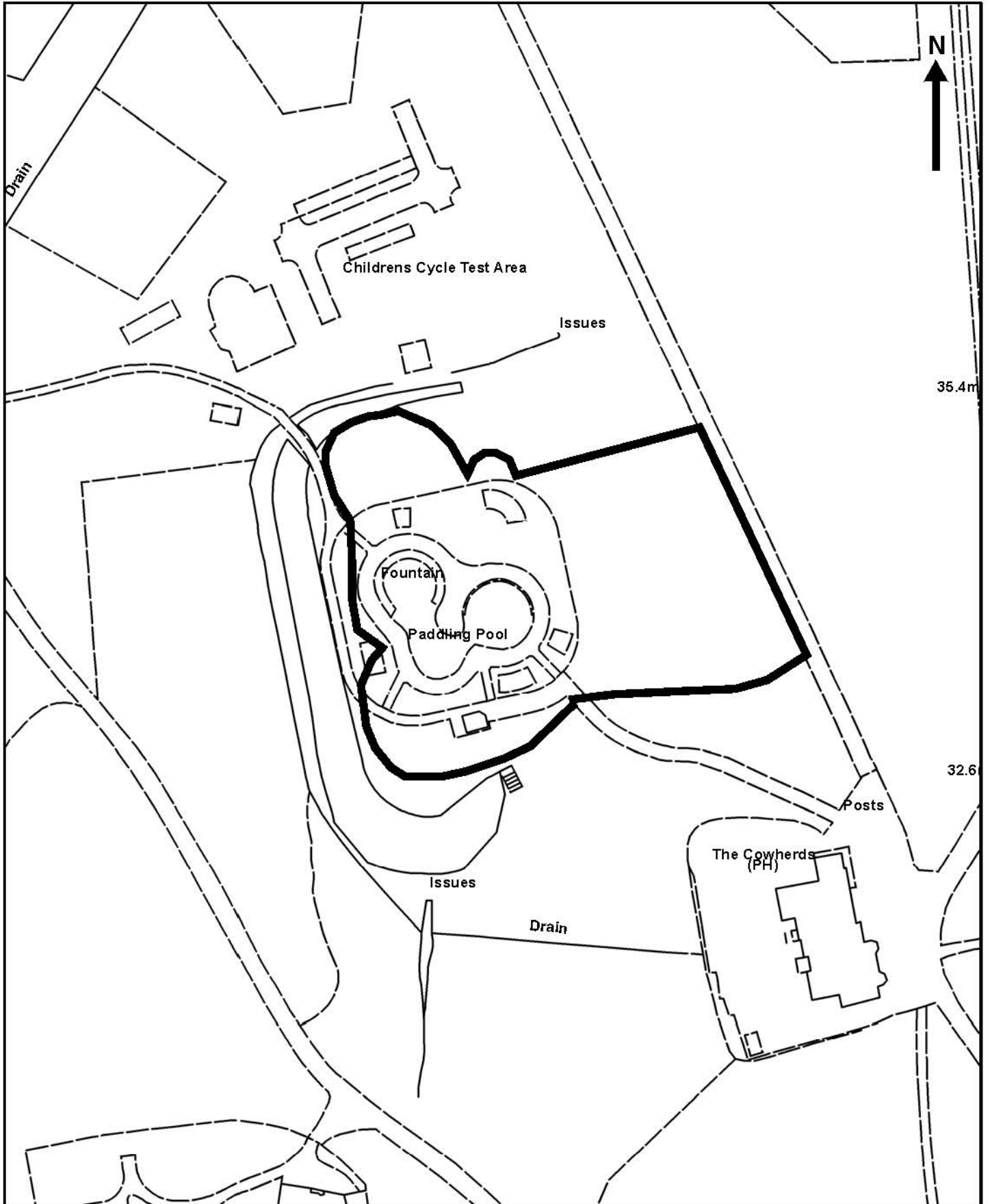
|      |  |
|------|--|
| CS13 | Fundamentals of Design                       |
| CS19 | Car and Cycle Parking                        |
| CS21 | Protecting and Enhancing Open Space          |
| CS22 | Promoting Biodiversity & Protecting Habitats |

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

|       |  |
|-------|--|
| SDP1  | Quality of Development                             |
| SDP7  | Context  |
| SDP10 | Safety & Security                                  |
| SDP11 | Accessibility & movement                           |
| SDP12 | Landscape & Biodiversity                           |
| HE5   | Parks & Gardens of Special Historic Interest       |
| HE6   | Archaeological Remains                             |
| NE2   | National Sites (SSSI)                              |
| NE3   | Sites of Importance for Nature Conservation (SINC) |
| NE4   | Protected Species                                  |

Other Relevant Guidance

The National Planning Policy Framework (2012)



Scale: 1:1,250

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**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 31<sup>st</sup> January 2017  
 Planning Application Report of the Service Lead; Infrastructure, Planning and  
 Development**

|  |  |                             |   |
|--|--|-----------------------------|---|
| <b>Application address:</b><br>Boldrewood Campus, Burgess Road                           |  |                             |   |
| <b>Proposed development:</b><br>Installation of freestanding externally illuminated sign |  |                             |   |
| <b>Application number</b>  | 16/01906/ADV                                 | <b>Application type</b>     | ADV   |
| <b>Case officer</b>  | Matt Griffiths                               | <b>Public speaking time</b> | 5 minutes                                       |
| <b>Last date for determination:</b>  | 03/01/2017                                   | <b>Ward</b>                 | Bassett   |
| <b>Reason for Panel Referral:</b>  | Five letters of objection have been received | <b>Ward Councillors</b>     | Cllr Hannides<br>Cllr L Harris<br>Cllr B Harris |

|   |                                  |
|---|----------------------------------|
| <b>Applicant:</b> University of Southampton | <b>Agent:</b> Luken Beck MDP Ltd |
|---|----------------------------------|

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

|   |           |
|---|-----------|
| <b>Community Infrastructure Levy Liable</b> | <b>No</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. Policies - SDP1, SDP12, SDP24 and NE6 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

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

**Recommendation in Full  
 Conditionally approve**

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

- 1.1 The site is located within the grounds of the University of Southampton's Boldrewood Campus, close to the junction between Bassett Avenue and Burgess Road. Boldrewood has in recent years been redeveloped, a process that is currently ongoing.

## **2. Proposal**

- 2.1 The application proposes a freestanding sign. The sign would be 2.5m in both height and width and sat on a 0.75m stone plinth, bringing the total height of the structure to 3.25m. The sign would be externally illuminated with a stone plinth and bronze (or similar) panel.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (2015) and the City of Southampton Core Strategy (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 The Bassett Neighbourhood Plan was adopted on 20<sup>th</sup> July 2016, and as such can be afforded significant weight as part of the Council's Local Development Plans.

## **4. Relevant Planning History**

- 4.1 15/00788/ADV – Conditionally Approved 18/06/2015  
Advertisement application for 50 non-illuminated information and direction signs for Lloyds Register and the University of Southampton - description amended following validation to remove the illuminated main campus sign at the junction of Burgess Road and The Avenue (CS1) and to correct the total number of signs
- 4.2 The redevelopment of the Boldrewood site is associated with a number of related planning applications, however these are of little relevance to the current proposal.

## **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 local Residents Groups and internal consultees. At the time of writing the report **5** representations have been received from surrounding residents and Ward Councillors. The following is a summary of the points raised:
- 5.2 ***The sign by way of its size and illumination would detract from the visual***



***character of the Avenue and intrude on views from Southampton Common.***

5.3 **Comment**

Addressed within paragraph 6.2 below.

5.4 ***The sign would prove to be a distraction to motorists at a busy junction***

5.5 **Comment**

The Council's Highways Development Management Officer assessed the application and did not raise any concerns that the sign would pose a Highway risk to motorists.

5.6 ***The Boldrewood Campus is already well signposted and clearly visible, the proposed sign is not required.***

5.7 **Comment**

This is not a planning consideration, it is University of Southampton's decision as to whether the sign is required or would be beneficial.

5.8 **Consultation Responses**

5.9 **SCC Trees** – There are trees under two Tree Preservation Orders (T2-438 and T2-026) on site at the location proposed for the sign. If approved, the submission and subsequent agreement of a detailed arboricultural method statement (AMS) is to be made a condition of the approval to demonstrate that the sign can be erected without damage to significant (over 25mm diameter ) tree roots). This must be a pre-commencement condition.  
REASON: to ensure the safe future retention of these trees in terms of both visual amenity and at a high target area.

5.10 **SCC Highways DM** – The level of illumination is acceptable, and must be installed in such a manner that light cannot be diverted in any other direction than directly at the sign.

**6. Planning Consideration Key Issues**

6.1 The application can only be considered in terms of visual amenity and public safety.

6.2 Visual Amenity

6.2.1 The proposed signage would be located within Boldrewood Campus grounds close to the Bassett Avenue/Burgess Road junction. Policy NE6 and paragraph 16 (Trees and Grass Verges) of the Bassett Neighbourhood Plan ensure that development will not be permitted where it would adversely affect the landscape character of the northern approach to the city along Bassett Avenue.

6.2.2 It is considered that the sign would represent an impressive addition to the tree-lined entrance to the city. The verdant nature of the immediate area and the northern approach to the city would remain, and there would be no loss of trees or shrubs as a result of the proposal. The level of illumination is considered to be acceptable, and not such that it would detract from the existing nature of the surrounding sylvan landscape.

6.2.3 The proposed sign is not considered to adversely affect views from Southampton Common. There is a reasonable separation distance of approximately 50 metres from the edge of the Common to the sign itself, across a busy junction serving as a major route into the city. In addition the sign itself is considered to be an attractive proposal that would not detract visually from the area.

6.2.4 Furthermore, the size of the sign is not considered to be excessive, given the setting in which it would be located and the size of the buildings within the Campus, in particular Building 175 located closest to the sign.

### 6.3 Highway Safety

6.3.1 As per paragraphs 5.5 and 5.10 of this report, it is not considered that the proposed scheme would result in a significant impact on highway safety. The SCC Highways Officer has not raised any concerns with regards to the welfare of motorists or pedestrians in relation to the sign, as such it is considered acceptable in this respect.

## 7. Summary

7.1 The sign is not considered to adversely affect the wooded landscape character of Bassett Avenue, nor is it considered to have an impact in terms of highway safety. It is proposed a condition is included to ensure no damage is caused to nearby trees as a result of the erection of the sign.

## 8. Conclusion

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

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 2(g), 4(j), 4(dd), 6(a), 7(a),

### **MG for 31/01/2017 PROW Panel**

#### **PLANNING CONDITIONS**

##### 01. 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).

##### 02. Luminance (Performance Condition)

The luminance of the signage for which consent is hereby granted shall not exceed 180 cd/m<sup>2</sup> and the lighting shall be directed at the sign only.

Reason: In the interests of highway safety and visual amenity.

##### 03. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained
2. Specification for the installation of any additional root protection measures
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

#### 04. 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 - (March 2015)

CS13          Fundamentals of Design

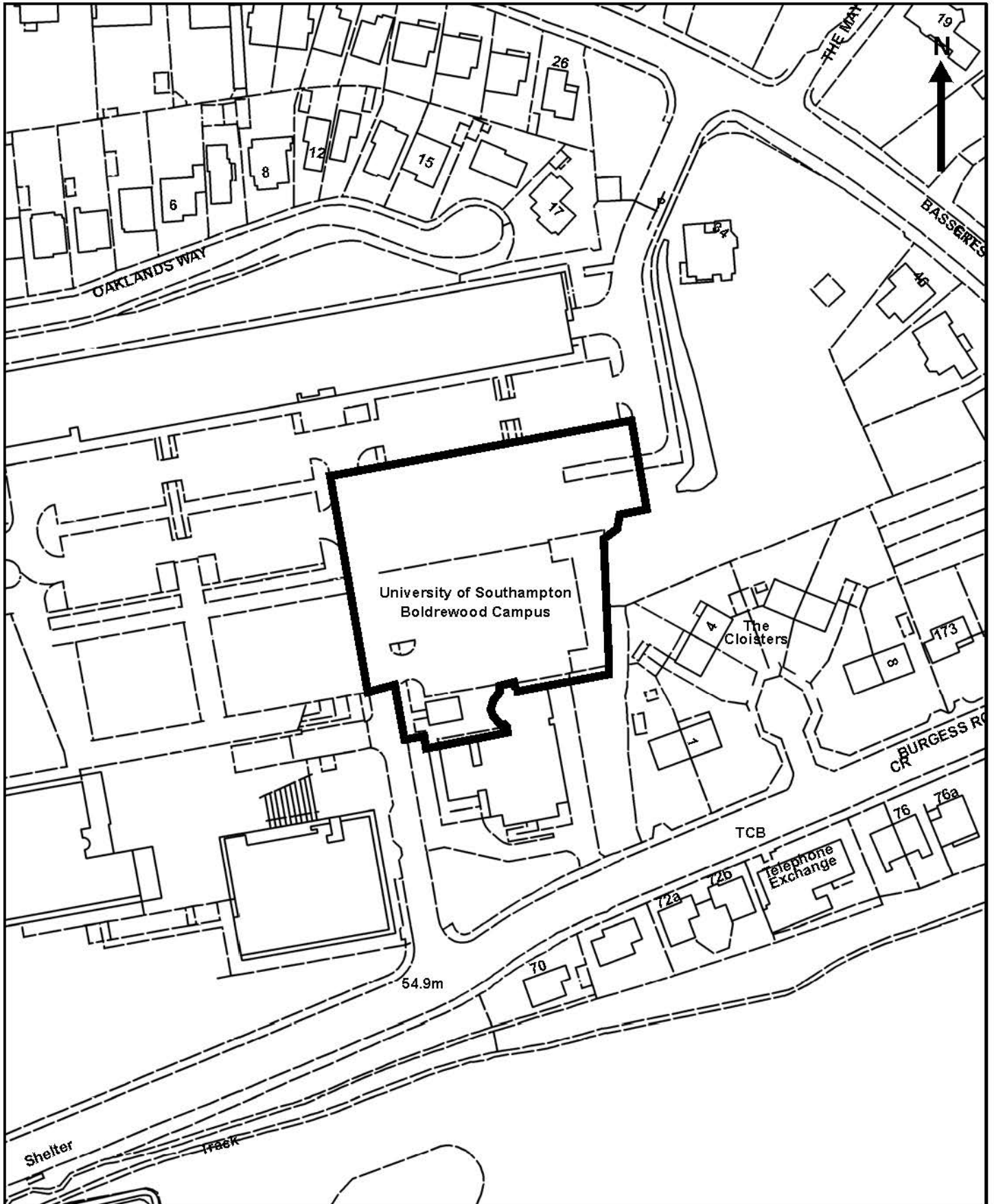
City of Southampton Local Plan Review – (March 2015)

SDP1          Quality of Development  
SDP12        Landscape and Biodiversity  
NE6          Protection/Improvement of Character

Bassett Neighbourhood Plan – (July 2016)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)



Scale: 1:1,250

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**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 10<sup>th</sup> January 2017  
 Planning Application Report of the Service Lead; Infrastructure, Planning and  
 Development.**

|   |  |                             |   |
|---|--|-----------------------------|---|
| <b>Application address:</b><br>Bassett Wood North, Bassett Wood Drive                 |  |                             |   |
| <b>Proposed development:</b><br>Erection of a single storey rear extension with flue. |  |                             |   |
| <b>Application number</b>   | 16/01867/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>   | 07/02/2017 (extension of time agreement) | <b>Ward</b>                 | Bassett                                     |
| <b>Reason for Panel Referral:</b>   | Request by Ward Member                   | <b>Ward Councillors</b>     | Cllr Harris<br>Cllr Harris<br>Cllr Hannides |
| <b>Referred to Panel by:</b>  | Cllr Beryl Harris & Cllr John Hannides   | <b>Reason:</b>              | Out of character and overdevelopment        |

|                                |                          |
|--------------------------------|--------------------------|
| <b>Applicant:</b> Mr L Pickard | <b>Agent:</b> MDT Design |
|--------------------------------|--------------------------|

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

|   |           |
|---|-----------|
| <b>Community Infrastructure Levy Liable</b> | <b>No</b> |
|---|-----------|

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

**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations, including the character of the local area, 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 and SDP9 of the City of Southampton Local Plan Review (Amended 2015) policy CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and policies BAS1 and BAS4 of the Bassett Neighbourhood Plan (July 2016).

**Recommendation in full: Conditionally Approve.**

**1 The site and its context**

- 1.1 The property is a large, detached two-storey dwelling, with an existing flat-roofed, single-storey rear extension adjacent to the southern side boundary, a large rear garden of approximately 130m<sup>2</sup> with a small brick-built outbuilding, and a large gravel parking area to the northern side of the property. The dwelling originally formed part of the larger Bassett Wood Estate House complex, which was subdivided after 1945. The application site is the smallest of the four adjacent plots, which are all significantly larger. The host dwelling and surrounding dwellings are not listed, or locally listed and the property is not within a conservation area.
- 1.2 The wider landscape of Bassett Wood Drive is formed of a mix of two and three storey flatted blocks (35m to the West and 60m to the southwest), and large detached dwellings on wooded plots (30m to the North and 75m to the East). There is, consequently, a wide range of plot sizes and building densities within the local area.
- 1.3 There are no Tree Preservation Orders (TPOs) within the application site itself, and the nearest TPOs to the location of the proposed development are approximately 18m to the southeast and 20m to the northwest. There is a mature tree within the rear garden of the host dwelling, but this is adjacent to the northern side garden boundary fence, approximately 12m from the proposed development. There are small fruit trees next to the common boundary within the garden of neighbouring Bassett Wood House, and there is also a larger mature tree within this neighbouring garden, which is approximately 3.5m from the boundary.
- 1.4 The ground level slopes very gently down from the front of the dwelling to the rear garden boundary (West to East).

**2 Proposal**

- 2.1 This planning application proposes an additional single-storey, flat-roofed extension, adjoining the existing single-storey extension on site, which would project an additional 7.2m along the southern side boundary shared with Bassett Wood House. The proposal also includes the replacement of the flat roof of the existing single-storey extension, which would result in a small increase in height of approximately 0.4m, and the installation of roof lantern lights above both the existing extension and the proposed extension. The final height proposed is 3.23m measured closest to the original dwelling, and 3.46m measured at the rear boundary, due to the gently sloping ground levels towards the rear boundary.
- 2.2 The proposal also includes the installation of a flue for a wood burning stove at



first floor level, adjacent to the southern side boundary, and minor alterations to the existing ground floor rear-facing windows.

- 2.3 All new windows would face into the garden of the host dwelling. There are no new windows proposed that would result in overlooking for neighbouring properties to the South, or to the East.
- 2.4 As a result of the works, there would be approximately 95m<sup>2</sup> of good quality, useable garden area remaining for the host dwelling. This measurement does not include the gravel parking area to the North of the host dwelling.

### **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 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 seeks high quality building design which respects the surrounding area in terms of scale and massing. Policy CS13 (Fundamentals of Design) of the Core Strategy assesses the development against the principles of good design.
- 3.4 The Bassett Neighbourhood Plan was adopted in 2016 and can be afforded significant weight in the determination of this application. Policies BAS1, BAS4 and paragraph 10.2 of the Bassett Neighbourhood Plan provide detail for assessing the acceptability of a proposal on character/design grounds, again seeking design which respects the surrounding area in terms of scale and massing and appearance. Policy BAS9 requires the protection of trees covered by TPO, or of high amenity value.

### **4 Relevant Planning History**

- 4.1 There are no planning applications on record for the host dwelling, Bassett Wood North.
- 4.2 The neighbouring property, The Coach House, is currently undergoing major refurbishment and works to extend the roof of the southern-most sections of the property under planning permission 15/01060/FUL.

## **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. At the time of writing the report **4** representations have been received (including objections from North East Bassett Residents Association [NEBRA], Cllr Beryl Harris, and Cllr John Hannides). The following is a summary of the relevant points raised:

### **5.2 The design exceeds the limits for permitted development.**

RESPONSE: This is correct, and the applicant has acted appropriately in submitting an application for planning permission for this proposal, in order for the Local Authority to make an assessment of the impacts of the development.

### **5.3 The proposal would result in overdevelopment of the site, particularly in relation to the separation between the host dwelling and The Coach House.**

RESPONSE: The proposal is limited to single storey height, with only a modest increase in height over the existing boundary fence. The existing relationship between the host dwelling and The Coach House is very different to that of the neighbouring Bassett Wood House and Bassett Wood West, so it would not be reasonable to apply the same expectations in terms of layout. The impact on the residential amenity of The Coach House is discussed in the planning considerations below. The site itself is judged capable of accommodating the additional development. The garden area remaining will still be in excess of our minimum size standard for a detached house, and the quality of the residential environment created for the occupants will be acceptable.

### **5.4 The design is out of character with the style of the original Estate Houses.**

RESPONSE: The host dwelling and neighbouring dwellings are not Listed, Locally Listed, or within a Conservation Area. Therefore, in order to respect the local character, the design does not necessarily need to replicate the design of neighbouring buildings. However it does need to generally respect the scale, mass, layout and materials of the host and neighbouring buildings in the overall design and is clearly subordinate to the main house. In this regard, the proposal is consistent with the Residential Design Guide Supplementary Planning Document.

### **5.5 The impact on trees.**

RESPONSE: There are no trees covered by a TPO in close proximity to the proposed development. The Trees Team have reviewed the application and have recommended that a condition be applied to any consent granted, which requires the submission and agreement of an Arboricultural Method Statement before work commences on site, in order to protect the existing tree on site and within the garden of Bassett Wood House.

### **5.6 Overbearing impact to the Kitchen Garden of Bassett Wood House.**

RESPONSE: This impact is discussed in the planning considerations below.

## **5.7 Consultation Responses**

5.8 Trees Officer – The applicant has the right to prune trespassing roots where they encroach into their property under Common Law. Unfortunately the trees are not worthy of protection in a formal way, but no storage or fires under the canopy is worth conditioning, and if roots over 25mm are found, advice should be taken

from a qualified arboriculturist.

## **6 Planning Consideration Key Issues**

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

- Principle of the development.
- Impact on the character of the host dwelling and local area.
- Impact on the amenity of neighbouring residents.
- Impact on the amenity of the occupants of the host dwelling.
- Trees.

6.2 Principle of the development

6.3 There are no policies within the Development Plan (including the Bassett Neighbourhood Plan) which object in principle to the extension of an existing dwelling house. Policies and guidance within the RDG give a minimum size standard of 90m<sup>2</sup> for the garden of a detached dwelling. The proposed extension will retain a good quality garden area of 95m<sup>2</sup>, not including the gravel parking area to the north of the host dwelling, which would still exceed this minimum standard. Therefore, in principle, the development is in accordance with the Development Plan. The proposal must therefore be judged in terms of its potential impact on the overall character of the area and on the amenity of neighbouring residents and of the occupiers of the host dwelling.

6.4 Impact on the character of the host dwelling and local area:

6.5 The Local Plan and the Core Strategy support development that respects the character, scale, massing and appearance of the local area, as supported by the Residential Design Guide. Policies BAS1, BAS4 and paragraph 10.2 of the Bassett Neighbourhood Plan provide detail for assessing the acceptability of a proposal on character/design grounds:

6.6 BAS1 - New Development states: *'Development proposals should be in keeping with the scale, massing and height of neighbouring buildings and with the density and landscape features of the surrounding area.'*

6.7 BAS 4 - Character and Design states: *'New development must take account of [...] the existing character of the surrounding area. The design of new buildings should complement the street scene, with particular reference to the scale, spacing, massing, materials and height of neighbouring properties.'*

6.8 Paragraph 10.2 also seeks to ensure that materials used *'aim to reflect those of surrounding properties as best as possible'*.

6.9 The proposed extension would not be clearly visible within the street scene, as it is to the rear of the host dwelling and single-storey in scale. Notwithstanding this, the proposal is considered to be in keeping with the general scale, massing and height of the neighbouring buildings due to the variation in plot sizes and layout of the neighbouring buildings (as a result of the subdivision of the original Bassett Wood Estate), the extension being limited to single-storey scale and the surrounding modern residential development. In addition, the proposed materials (brick for the walls, a dark grey single-ply membrane for the flat roof, and timber/

uPVC/ aluminium frames for the windows and doors) will be similar in overall appearance to those on the host dwelling, and a condition can be added to ensure that officers have control to ensure these materials match as closely as possible with the existing. For these reasons the application is not considered to cause harm to the character of the host dwelling, or local area.

6.10 Impact on the amenity of neighbouring residents.

6.11 The impact on the neighbouring dwelling Bassett Wood House is mitigated somewhat by the fact that the proposed extension is to the north of the kitchen garden of this neighbouring property, so although the proposal would be seen from this section of the garden, it would not result in overshadowing and would not affect the southerly aspect of this kitchen garden.

6.12 The proposed extension and the replacement roof to the existing extension would result in a building of approximately 1.2m higher than the existing boundary fence along this common boundary, increasing slightly to 1.45m at the rear, due to the sloping ground levels. Although the proposal would be visible when viewed from the adjacent kitchen garden of Bassett Wood House, this impact is not considered to be overbearing, given its single-storey nature and particularly when taking into account the fact that this neighbouring dwelling also benefits from an extensive 1,960m<sup>2</sup> south-facing garden to the south, which would remain unaffected by the proposal.

6.13 The relationship with The Coach House is not considered to be significantly harmful, as the ground floor windows of this neighbouring property, which would directly face the proposed extension, are secondary windows to a living area that also benefits from an unobscured outlook to the East. The modest increase in height on this boundary is not considered to pose a significant change to the existing situation, as these windows are already obscured by the existing fence.

6.14 In addition to the details discussed above, the proposal would not result in any increase in overlooking of neighbouring properties Bassett Wood House, or The Coach House, as all newly proposed windows face into the garden of the host dwelling, not over adjoining properties. Taking the above details into account, whilst there will be an impact on the amenity of neighbouring properties, this is not considered to be significantly harmful.

6.15 Impact on the amenity of the occupants of the host dwelling.

6.16 The internal layout of the proposed extension provides a good quality living environment for the occupiers of the host dwelling, with a good source of light and outlook for all habitable rooms. Whilst there will be a loss of garden area, the remaining garden area exceeds our minimum size for a detached dwelling and is of good quality, useable, and private. In addition, the gravel parking area to the North of the dwelling remains unaffected by the proposal.

6.17 Trees

6.18 There are no trees covered by a TPO in close proximity to the development location and the Trees Officers are satisfied that nearby trees, on and off-site, can be protected by way of the conditions recommended in their response above.

## **7 Summary**

- 7.1 The design is considered to take account of the existing character of the surrounding area, with particular reference to the scale, massing, and materials of neighbouring properties (policies SDP7, SDP9, CS13, BAS1 & BAS4). Whilst there will be some impact on the amenity of neighbouring residents, this is not judged to be significantly harmful (policies SDP1 & CS13). In addition, the amenity of the occupants of the host dwelling will not be harmed and nearby trees can be adequately protected (policies SDP1, CS13 and BAS9).

## **8 Conclusion**

- 8.1 Taking a balanced assessment of the details discussed above, this application is recommended for approval, subject to conditions to secure the materials to be used in the development, and the protection of nearby trees.

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

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

1a, b, c, d, 2b, d, g, 4f, 6a,

#### **AC for 31/01/2017 PROW Panel**

#### **Conditions.**

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

##### **2. Approved Plans (Performance Condition)**

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.

##### **3. Materials to match (Performance Condition)**

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

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

##### **4. No other windows or doors other than approved (Performance Condition)**

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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

#### **5. No storage under tree canopy (Performance)**

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

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

#### **6. Off-site Tree Protection (Performance)**

If tree roots above 25mm in diameter are found during excavation works on site for the extension hereby approved, then the Local Authority is to be consulted further to agree a working plan.

Reason: To preserve said trees in the interests of the visual amenity of neighbouring properties.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS13            Fundamentals of Design

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

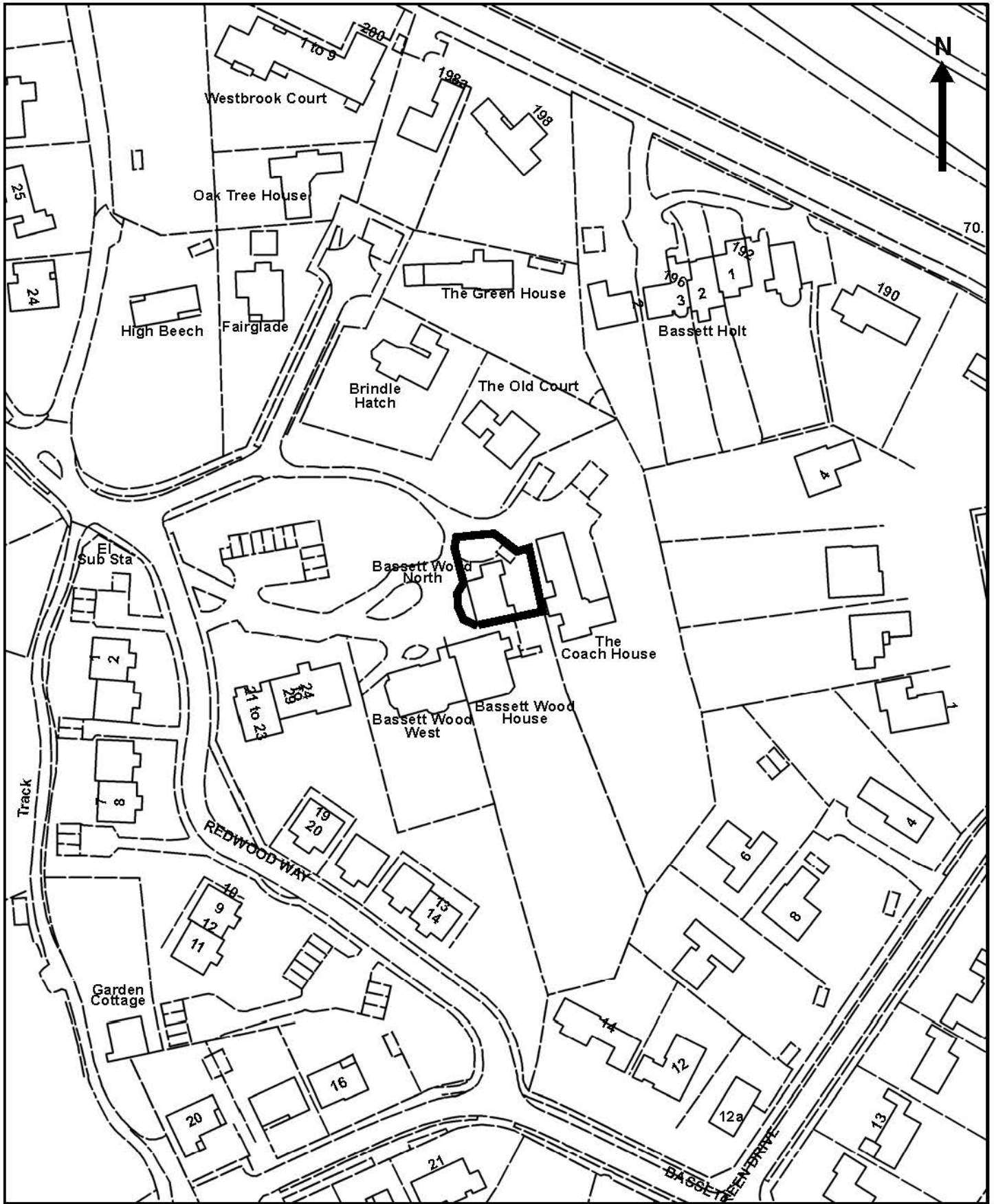
SDP1            Quality of Development  
SDP7            Urban Design Context  
SDP9            Scale, Massing & Appearance

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Bassett Neighbourhood Plan (June 2015)

Other Relevant Guidance

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



Scale: 1:1,250

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**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel 31<sup>st</sup> January 2017  
 Planning Application Report of the Service Lead – Planning, Infrastructure and  
 Development**

|   |   |                             |   |
|---|---|-----------------------------|---|
| <b>Application address:</b><br>St Marys Stadium, Britannia Road   |   |                             |   |
| <b>Proposed development:</b><br>Application for variation of condition 6 of planning permission Ref 07/01397/VC to increase the maximum number of concerts to be held at the stadium in any calendar year from 4 to 6 |   |                             |   |
| <b>Application number</b>   | 16/01898/FUL  | <b>Application type</b>     | FUL   |
| <b>Case officer</b>   | Jenna Turner  | <b>Public speaking time</b> | 5 minutes   |
| <b>Last date for determination:</b>   | 04.01.17  | <b>Ward</b>                 | Bevois  |
| <b>Reason for Panel Referral:</b>   | Original application subject to Panel Determination | <b>Ward Councillors</b>     | Cllr Rayment<br>Cllr Burke<br>Cllr Barnes-Andrews |

|   |   |
|---|---|
| <b>Applicant:</b> Southampton Football Club | <b>Agent:</b> Mr David Jobbins - Luken Beck |
|---|---|

|                               |   |
|-------------------------------|---|
| <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>Not applicable</b> |
|---|-----------------------|

**Reason for granting Planning 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, SDP4, SDP5, SDP10, SDP11, SDP15, SDP16 and SDP17 of the City of Southampton Local Plan Review (Amended 2015) and CS1, CS3, CS6, CS13, CS18, CS19 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and Policies AP8 and AP18 of the City Centre Action Plan 2015.

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

## Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a deed of variation to the original S.106 Legal Agreement to secure:

- i. The submission, implementation and annual review of a Concert Management Plan, which includes the Vanguardia Noise Management Plan, to minimise noise and disturbance, transport impacts; safety and security and; anti-social behaviour in accordance with policies SDP1, SDP15 SDP16, SDP17 of the amended Local Plan Review 2015 and Policies CS19 and CS25 of the Core Strategy (revised 2015);
- ii. To minimise disruption to local residents, mitigate transport impacts and reduce the air quality impact of the development, in accordance with policies SDP1, SDP5, SDP15 of the Local Plan and policies CS18, CS19 and CS25 of the Core Strategy and the Developer Contribution SPD, secure a scheme for the implementation of transport and parking measures to include:
  - The provision of satellite car parking;
  - The provision of a shuttle bus service from the Central Station and Ferry Terminals;
  - Other Highway and Traffic Measures including CCTV monitoring, residents parking schemes and traffic regulation orders;
  - The provision of a combined ticket or other method of payment to encourage public transport use and;
  - A Travel Plan.
- iii. To retain the operation of a scheme of mitigation measures for residents in Britannia Road in the interests of residential amenity and to meet the requirements of policy SDP1 of the Local Plan and policy CS25 of the Core Strategy.
- iv. To retain the implementation of a litter strategy in accordance with policy SDP1 of the Local Plan and policy CS25 of the Core Strategy.
- v. To retain community facilities in accordance with policy CS3 of the Core Strategy 2015.
- vi. To secure and retain a Stadium Monitoring Group for community liaison with relevant local groups including the Stadium, the Police and the Council in accordance with policies SDP1, SDP10, SDP16 of the Local Plan and policy CS25 of the Core Strategy.
- vii. To secure off-site stewarding including at satellite car parking sites in the interest the safety and convenience of users of the public highway in accordance with policy SDP1 of the Local Plan Review (amended 2015), CS18 and CS25 of the Core Strategy (amended version 2015).

2. In the event that the legal agreement is not completed or progressed within a reasonable timeframe after the Planning and Rights of Way Panel, the Planning and Development Manager will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.

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. 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 brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

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

1.1 St Mary's Stadium is a 32,689 seat arena with associated facilities, located within the defined city centre area. The site itself is surrounded by designated employment land, containing various industrial and warehousing uses. Immediately opposite the site, however, are residential properties in Britannia Road (nos. 1-18). Further residential properties, in Golden Grove, lie beyond the railway line, approximately 75 metres from the stadium.

## **2. Proposal**

2.1 The application seeks to vary condition 6 of planning permission 07/01397/VC to increase the maximum number of concerts/events to be held on an annual basis from 4 to 6 per year. Condition 6 reads as follows:

### **2.2 Condition 06**

**No more than four concerts shall be held at the stadium in any calendar year.**

**Reason: To protect the amenities of local residents.**

2.3 In addition to this, the remaining conditions imposed upon 07/01397/VC have been reviewed to ensure that they still meet the tests for conditions and are still relevant and effective.

## **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 The stadium itself was originally granted planning permission in 1999 (planning application reference 981278/27900/E. This was subject to a number of detailed planning conditions and a section 106 agreement.

4.2 Two subsequent planning applications were approved, on a temporary basis, for

the use of the stadium for concerts (planning application references 04/01570/VC and 06/01295/VC). Following these approvals two concerts were held; Elton John in May 2005 and Bon Jovi in June 2006.

- 4.3 In 2007 planning permission was granted on a permanent basis to enable the stadium to be used for four concerts per year (planning application reference 07/01397/VC). A copy of the Decision Notice is included as **Appendix 2** of this report. In June 2008, one further Bon Jovi concert was held following this approval.

## **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 (22.11.16). At the time of writing the report **2** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 *The open air nature of the venue is not suitable for amplified music. A previous concert resulted in noise and vibration disturbance.*

5.3 *Request that disruption is kept to a minimum and also highlight that concerts in the summer means that nearby residents can't keep their windows open for ventilation.*

### **5.4 Consultation Responses**

5.4.1 **SCC Highways** – Further information regarding the transport impact is required. In particular, a revised and up-to-date Transport Assessment is required.

5.4.2 **SCC Environmental Health (Pollution & Safety)** - Request that the noise level be conditioned to not exceed the background noise level by more than 15Db(A) over a 15 minute period. This is discussed in more detail below.

## **6.0 Planning Consideration Key Issues**

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

- (i) The principle of development;
- (ii) Noise generation and effect on residential amenity;
- (iii) Transportation and air quality impact and;
- (iv) Other environmental impacts.

### **6.2 (i) Principle of Development**

6.2.1 Policy CS1 of the Core Strategy supports leisure uses, including events that attract visitors, within the city centre area. Similarly, policy CS3 of the Core Strategy promotes non-residential development serving a city-wide or regional catchment within the defined city centre of Southampton. Policy AP8 of the City Centre Action Plan seeks to promote night-time uses that contributes to a vibrant city centre whilst minimising potential disturbance to nearby residents. The principle of increasing the number of leisure events being held at the Stadium is, therefore, acceptable in this location, subject to an assessment of the main impacts as set out below.

### **6.3 (ii) Noise Generation and Effect on Residential Amenity**

- 6.3.1 Given the nature of the venue, being only semi-enclosed, and the manner of events that could be held, the impact of noise and vibration on nearby residents is a key consideration. The previous Elton John and Bon Jovi concerts were subject to detailed monitoring by the stadium, Council and other relevant organisations. They were found to operate well within specified noise limits and the parameters set by the planning conditions. The current planning conditions in place require concerts to be concluded by 22:30 hours and stipulate that the noise level at the nearest noise-sensitive premises shall not exceed 75 LAeq over a 15 minute period. A total of 7 and 9 noise complaints were received respectively for each event.
- 6.3.2 The application is accompanied by an Acoustic Report by consultants Vanguardia, who specialise in outdoor events. The report concludes that it is likely that the noise from concerts will exceed the guidelines set out in the Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995). These guidelines suggest that, where between 4 and 12 concerts are held on an annual basis, the maximum noise level should not exceed the background noise level by more than 15 dB (A) over a 15 minute period.
- 6.3.3 However, based on the noise assessment carried out, it was also concluded that the noise limit at the nearest dwelling would not exceed the 75 dB LAeq over a 15 minute period standard. This noise limit has already been approved by the Council for the existing four concerts a year that could be held on the site (see condition 12 of planning permission 07/01397/VC in **Appendix 2**).
- 6.3.4 The submitted noise report also provides comparative event venues within other urban locations. The number of permitted concerts and noise limitations for these venues are set out in the table below:

| Venue                            | Number of Concert Days per Year | Noise Limit                                |
|----------------------------------|---------------------------------|--|
| Etihad Stadium, Manchester       | 8 in 2016                       | 75 dB LAeq 15 minutes                      |
| The London Stadium, London       | 6                               | 15 dB (A) above the background noise limit |
| Hyde Park, London                | 8                               | 75 dB LAeq 15 minutes                      |
| Victoria Park, London            | 5                               | 75 dB LAeq 15 minutes                      |
| Lancashire County Cricket Ground | 7                               | 80 dB LAeq 15 minutes                      |

- 6.3.5 The report concludes that the examples from venues elsewhere suggest that it is possible to hold more than 3 events per year within the noise limit of 75 dB LAeq over a 15 minute period, providing suitable noise management protocols are in place. To this end, the report is accompanied by a Noise Management Plan. It is recommended that the implementation of this Noise Management Plan is secured by the section 106 legal agreement (see recommendation 1(i) above). The Noise Management Plan includes monitoring of events, providing information to the community, communication channels with the venue and pre-event testing to limit noise and disturbance. Subject to the implementation of the Noise Management Plan, the restrictions on noise limits and hours of operation as previously secured, it is considered that the impact from two additional concerts per year will be acceptable.

#### 6.4 (iii) Transportation and Air Quality Effects

6.4.1 The capacity of the stadium for events is 35,000 people. Given that visitors to the venue will arrive and depart within a relatively condensed period, the two extra events per year will have significant transportation implications. The original planning permission for the football stadium was subject to a section 106 agreement that included a range of measures to mitigate and manage the transport impact of the development. The subsequent planning permission to increase the number of concerts (application reference 07/01397/VC) sought to duplicate the original approach to transport management by way of a planning condition (condition 1 of 07/01397/VC refers). It is recommended, as part of this application, to secure a deed of variation to the original section 106 to update the transportation measures. This will promote sustainable modes of transport; reduce the impact on the transport network; minimise traffic congestion and; in turn, minimise the air quality impact of the development.

6.4.2 It is also recommended that an updated Concert Management Plan be secured through the section 106 agreement. A significant part of this management plan will address the transportation management on concert days. The management of previous events included the following measures:

- a 200 metre vehicle exclusion zone to the north and south of the stadium;
- the provision of through-ticketing to provide public transport travel as part of the event ticket;
- the provision of shuttle buses to the venue;
- the provision of satellite car parks within walking distance (approx. 2,454 spaces) and;
- the provision of park and ride facilities with more remote satellite car parks (approx. 2,500 spaces in two site, using 28 buses).

6.4.3 Similar measures would be sought to be secured through the updated Concert Management Plan as part of this planning application to further mitigate the direct impacts the additional events on the transportation network.

#### 6.5 (iv) Other Environmental Impacts

6.5.1 The Concert Management Plan, discussed above, will also address other environmental impacts that could be associated with large events of this nature. As well as transportation, the plan will also cover wider operational aspects of the event including:

- General event management
- Events schedule
- Set-up including sound checks and rehearsals
- Capacity
- Stewarding
- Dispersal of visitors after the event close
- Cleaning and waste management
- Lighting Control

6.5.2 A similar Plan was in place for the previous concerts and assisted in ensuring the smooth-running of the events, whilst limiting the effects on the environment. It is proposed that this Plan be refreshed to ensure it is fully up-to-date and, as noted above, encompasses the noise management plan proposed as part of this application.



## **7.0 Summary**

7.1 The proposed increase in concerts and events being held at St Mary's Stadium is consistent with the Council's aspirations for the city centre to provide a major centre for leisure and events in order to maintain and enhance the city's regional role. The football club have a proven track-record in managing the wide-ranging impacts associated with large events of this nature and the measures to be secured through the section 106 agreement and conditions set out below will ensure that the impacts of the proposal can be satisfactorily managed.

## **8.0 Conclusion**

8.1 It is recommended that planning permission be granted subject to a Deed of Variation to the Section 106 agreement and the conditions set out below.

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

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

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

### **JT for 31/01/2017 PROW Panel**

## **PLANNING CONDITIONS**

### **01. Hours of Operation (Other than Concerts)**

Other than during those times the site is being used for concerts the premises to which this permission relates shall not be open outside the hours specified below:

The main arena 0900 hrs to 2300 hrs;

The Southampton Football Supporters Social Club, The Terry Paine Suite, The Mike Channon Suite, The Boardroom, The Mathew Le Tissier Suite, The Directors Guest Room, all 47 hospitality boxes and such parts of the building that afford access and egress from or are required to provide catering to these suites 0730 hrs to 0200 hrs;

All other accommodation 0730 hrs - midnight.

CCTV Room and Community Safety Areas - No restriction.

Reason: To protect the amenities of occupants of nearby residential properties.

### **02. Hours of Operation (Concerts)**

No concert or event shall continue beyond 22:30 hrs on the day of the concert.

Reason: To protect the amenities of local residents.

### **03. Capacity**

With the exception of the use of the site for concert purposes the spectator capacity of the stadium shall not exceed 32,689 without the prior consent of the Local Planning Authority. The spectator capacity of the site when used for concert purposes shall not exceed 35,000.

Reason: To ensure that the proposals approved for the safety and transportation needs of the spectators and to protect the needs of local communities are adequate.

#### **04. Number of Concerts/Events**

No more than six concerts or events shall be held at the stadium in any calendar year.

Reason: To protect the amenities of local residents.

#### **05. Noise Limitation**

With respect of concerts and events, during sound check, rehearsals and concerts, the music noise level measured at a point one metre from the façade of any noise-sensitive use shall not exceed 75 LAeq 15 min. The noise from activities and plant associated with the concert or event shall not exceed 60 LAeq 15 min measured at a point one metre from the façade of any noise-sensitive use.

Reason: In the interests of residential amenity to ensure occupiers are not adversely affected by noise from concerts and events.



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**Application** 16/01898/FUL

**APPENDIX 1**

## POLICY CONTEXT

### Core Strategy - (as amended 2015)

|      |  |
|------|--|
| CS1  | City Centre Approach                                       |
| CS3  | Promoting Successful Places                                |
| CS6  | Economic Growth  |
| CS13 | Fundamentals of Design                                     |
| CS18 | Transport: Reduce-Manage-Invest                            |
| CS19 | Car & Cycle Parking  |
| 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                  |
| SDP10 | Safety & Security        |
| SDP11 | Accessibility & Movement |
| SDP15 | Air Quality              |
| SDP16 | Noise                    |
| SDP17 | Lighting                 |

### City Centre Action Plan - March 2015

|       |                        |
|-------|------------------------|
| AP 8  | The Night time economy |
| AP 18 | Transport and movement |

### 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)

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# Agenda Item 12

Appendix 2

**Application 16/01898/FUL**

**APPENDIX 2**

## **PLANNING HISTORY**

Turner, Jenna



## DETERMINATION OF APPLICATION

### TOWN AND COUNTRY PLANNING ACT 1990

#### Town and Country Planning (General Development Procedure) Order 1995

Mr Paul Grant  
 Number One  
 London Road  
 Southampton  
 SO15 2AE

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the District Planning Authority, hereby gives notice that the application described below has been granted:

#### CONDITIONALLY APPROVED

**Proposal:** Permanent relief from Conditions 5 and 6 of planning permission 04/01570/VC to enable four concerts to be held per year at the site on weekends or weekdays

**Site Address:** St Mary's Stadium Britannia Road Southampton SO14 5FP

**Application No:** 07/01397/VC

In accordance with the plans and application submitted with the above FULL Application, subject to the following condition(s):

01.

Prior to the staging of any concerts at the stadium the applicant shall secure, the implementation of schemes in respect of the matters set out below, in accordance with details to be agreed in writing by the Local Planning Authority:

- Satellite car parking
- Bus Services
- Litter
- Stadium Monitoring Group
- Stewarding
- Combined ticketing for public transport for the events at the Stadium
- Publicity for travel arrangements

The approved schemes shall be operated whenever the Stadium is used for the staging of concerts.

#### REASON

To ensure that the use of the stadium is acceptable in terms of it's transport impact, the amenities of the area and public order.



02.

Other than during those times the site is being used for concerts the premises to which this permission relates shall not be open outside the hours specified below:

The main arena 0900 hrs to 2300 hrs; The Southampton Football Supporters Social Club, The Terry Paine Suite, The Mike Channon Suite, The Boardroom, The Mathew Le Tissier Suite, The Directors Guest Room, all 47 hospitality boxes and such parts of the building that afford access and egress from or are required to provide catering to these suites 0730 hrs to 0200 hrs; CCTV Room and Community Safety Areas - No restriction. All other accommodation 0730 hrs - midnight. After 28.02.05: the main arena 0900 hrs - 23 hrs. CCTV room and community safety areas no restriction; all other accommodation 0730 - midnight.

## REASON

To protect the amenities of occupants of nearby residential properties.

03.

With the exception of the use of the site for concert purposes the spectator capacity of the stadium shall not exceed 32,689 without the prior consent of the Local Planning Authority. The spectator capacity of the site when used for concert purposes shall not exceed 35,000.

## REASON

To ensure that the proposals approved for the safety and transportation needs of the spectators and to protect the needs of local communities are adequate.

04.

Other than for the occasional use of the site for concerts the main arena of the stadium shall only be used for football matches involving Southampton Football Club (including reserve and youth teams), Southampton Ladies Football Club, International Football Matches, Hampshire Football Association matches, and up to two religious events per annum. Other non-football events shall not be held without the prior written consent of the Local Planning Authority.

## REASON

To protect the amenities of nearby residents and because this application has been considered having regard to it being used only for these purposes.

05.

The concert management plan shall be the subject of an annual review and any amendments to the concert management plan shall be agreed in writing with the Local Planning Authority. Any concert held at the stadium shall be undertaken in accordance with the most recently approved concert management plan.

## REASON

To minimise the impact of concert use of the stadium in the interests of local amenity.

06.

No more than four concerts shall be held at the stadium in any calendar year .

## REASON

To protect the amenities of local residents.

07.

No concert shall continue beyond 2230 hrs on the day of the concert.

## REASON

To protect the amenities of local residents.

08.

For the concerts permitted, amplified sound from the concerts within the stadium shall be controlled in accordance with the guidance provided by the Code of Practice on Environmental Noise Control at Concerts, The Noise Council, 1995.

REASON

To protect the amenities of local residents.

09.

No erection or dismantling of the stage and other temporary structures shall take place between the times of 20.00 hrs and 07.00 hrs except on the day of the concert when such work shall cease by 03.00 hrs the next day.

REASON

To protect the amenities of local residents.

10.

For the concert use no sound checks or rehearsals shall take place other than on the day before the concert and on the day of the concert.

REASON

To protect the amenities of local residents.

11.

For the concert use on the days sound checks and rehearsals are permitted, they shall not commence before 10.00 hrs and shall not continue after 19.00 hrs.

REASON

To protect the amenities of local residents.

12.

For the concert use during sound checks, rehearsals and the concerts, the music noise level (MNL) measured at a point one metre from the facade of any noise sensitive premises shall not exceed 75 LAeq15 min. With the exception of the above activities the noise from the activities and plant associated with the concert uses shall not exceed 60 LAeq 15min measured at a point one metre from the facade of any noise sensitive premises.

REASON

To protect the amenities of local residents.

13.

Details of satisfactory facilities to be provided for the storage and removal of refuse from the premises shall be submitted to the Local Planning Authority before the building is first occupied. The facilities shall include provisions for the separation of waste to enable recycling.

REASON

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

14.

The existing provisions for CCTV cameras within the application site shall retained. Those cameras should enable surveillance of all external areas of the application site including all footway and cycleways, footbridges and underpasses.

REASON

In the interests of the safety and security of users of the site and to protect the privacy of nearby residents.

15.

The existing Public art works in accordance with the agreed design brief (document 'Design Brief: Glassworks, Southampton Football Stadium) shall be retained at all times as part of the fabric of the building.

REASON

To secure appropriate public art in accordance with the provisions of the City of Southampton Local Plan.

16.

The existing windows in the elevation(s) specified below shall be permanently glazed in obscure glass.

Windows to first and second floors to the east and north east elevation as identified in blue on the approved drawings.

REASON

To protect the privacy enjoyed by the occupiers of the adjoining property.

17.

The existing external lighting scheme for the illumination of the playing surface, the exterior of the stadium, the car parking and bicycle storage areas, any signs or advertisements and of all external circulation spaces including bridge, underpasses, cycleways and footways shall be retained and no other external lighting installed without the prior written consent of the Local Planning Authority.

REASON

In the interests of the safety and convenience of stadium users, the amenities of nearby residents, the character of the area and to avoid light pollution.

18.

All of the proposed facilities for disabled persons set out in Paragraph 6: 2 of the planning statement submitted in support of the planning application shall be retained at all times.

REASON

To ensure that full provision is made for the needs of disabled spectators and visitors to the Stadium.

19.

Prior to being discharged into any surface water sewer or soak-away system all surface water drainage from the car parking and accessways accessible by vehicular traffic shall be passed through an oil interception designed and constructed to have a capacity and compatible with the area being drained. Roof water shall not pass through an oil interceptor designed and constructed to have a capacity compatible with the area being drained.

REASON

To prevent pollution to the water environment.

20.

The existing public toilets accessible from outside of the proposed Stadium, including those designed for disabled persons, shall be available at all times in accordance with a scheme agreed by the Local Planning Authority.

REASON

To ensure that appropriate facilities are provided for users of the stadium and in the interests of the amenities of nearby residents.

21.

The existing litter bins on pedestrian and cycle ways and adjacent streets shall be retained. A scheme for the management of those bins and the collection of litter shall be submitted to and agreed by the Local Planning Authority shall be implemented.

REASON

In the interests of the safety and convenience of users of the stadium and to protect the amenities of nearby residents.

22.

The disabled drivers parking spaces shown on the approved plan shall be marked out on the site for this purpose and at all times be retained for that purpose.

REASON

To ensure the adequate provision of parking for disabled drivers.

23.

Before the development commences details of all means of enclosure both within and to the boundaries of the site shall be submitted to and agreed by the Local Planning Authority. These shall have particular regard to the safe movement of pedestrians where the site abuts a public highway or railway line.

REASON

In the interests of the safety and convenience of visitors to the stadium and of other highway users, and to protect the amenities of nearby residents.

24.

The existing accessways, parking areas, the circulation roadway and pedestrian ways shall be retained at all times for those purposes.

REASON

To ensure that these areas are retained for that use in the interests of the safety and convenience of users of the stadium and to prevent obstruction to traffic in adjacent roads.

25.

The existing bicycle shelters and motorcycle parking shall be retained at all times for that purpose.

REASON

In the interests of the convenience and security of visitors to the stadium.

26.

Other than with the written consent of the Local Planning Authority, no food or drink shall be sold or served within the curtilage of the application site other than within the Stadium building.

REASON

To protect the amenities of nearby residents.

27.

The existing extract ventilation system shall be maintained in full working order as long as the use of the stadium continues and shall be operated and maintained in such a manner as to effectively suppress the emission of fumes and smells.

REASON

To protect the amenities of the occupiers of adjacent properties.

28.

The existing measures for soundproofing all existing plant and machinery shall be maintained and retained.

REASON

To protect the amenities of the surrounding area.

29.

The existing sound attenuation measures to prevent the break out of noise from the concourse, entertainment, banqueting and conference facilities and other areas within the stadium shall be retained.

REASON

To protect the amenities of nearby residents and of the surrounding area.

30.

The existing parking areas shall be retained and maintained as laid out and no cars shall be parked within the curtilage of the application site other than within a designated parking space.

REASON

In the interests of the safety and convenience of visitors to the stadium and to control the extent of car parking and traffic generated by the development.

31. The existing provisions for the setting down and collection of disabled and other spectators shall be retained and continue to operate whilst the stadium use remains operational.

REASON

In the interests of the safety and convenience of visitors to the stadium and the safety and convenience of other highway users.

32.

The first floor accommodation formed by the undercroft of the west stand shall only be occupied by existing uses unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the proposed use of this accommodation will not give rise to nuisance to nearby residents by reason of its nature or the traffic it will generate

REASON FOR GRANTING CONSENT

The development is acceptable taking into account the policies of the development plan set out below. Other material considerations do not justify a refusal of the application. Therefore in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted

City of Southampton Local Plan March 2006: SDP1, SDP2, SDP3, SDP16, SDP17



**David Rothery**  
**Development Control Manager**

28 November 2007

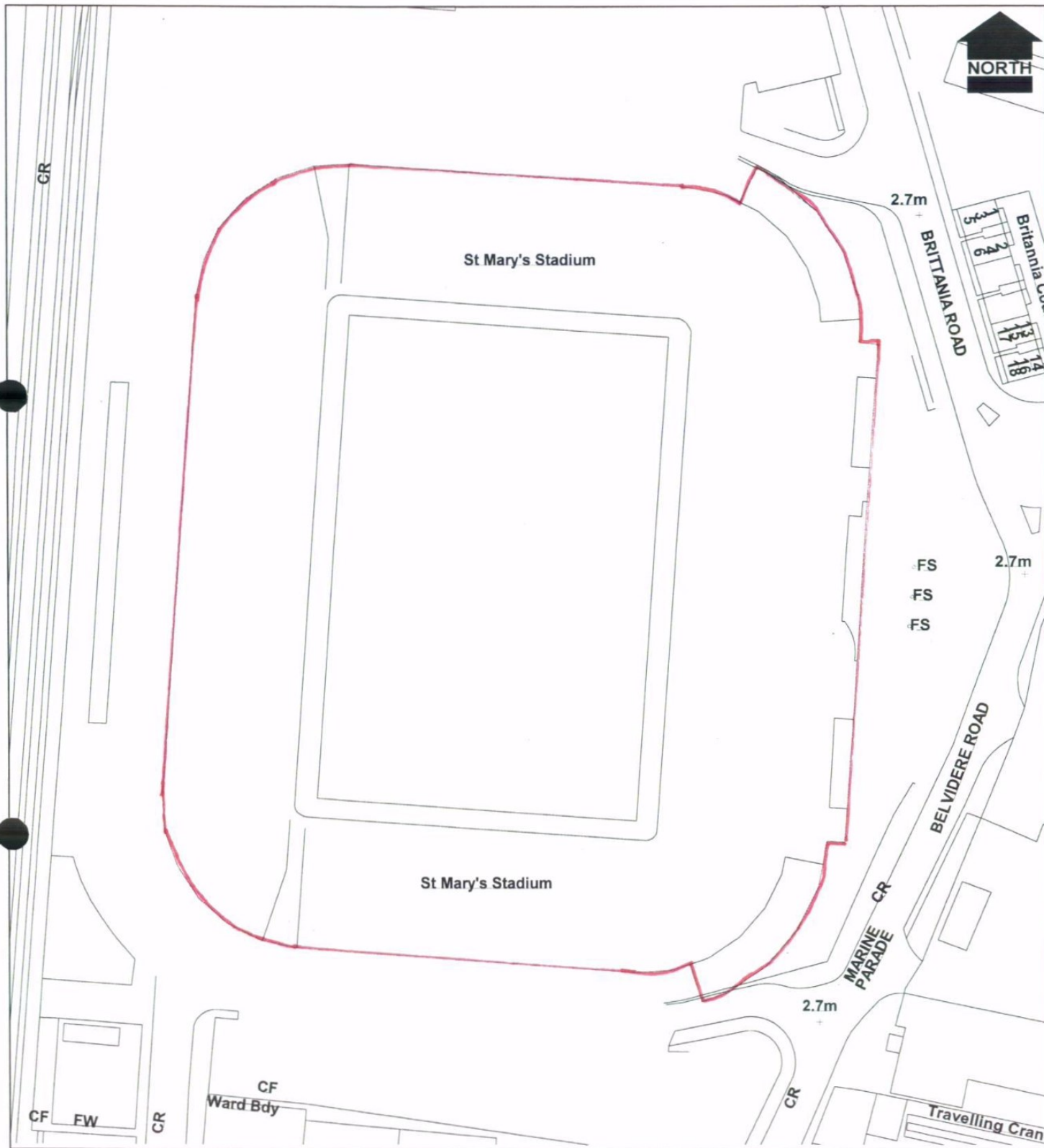
If you have any further enquiries please contact:  
**Andrew Amery**

## NOTES

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

Please address any correspondence in connection with this form quoting the application number to:

Development Control Service, Southampton City Council, Civic Centre SOUTHAMPTON. SO14 7LS



**Comments**

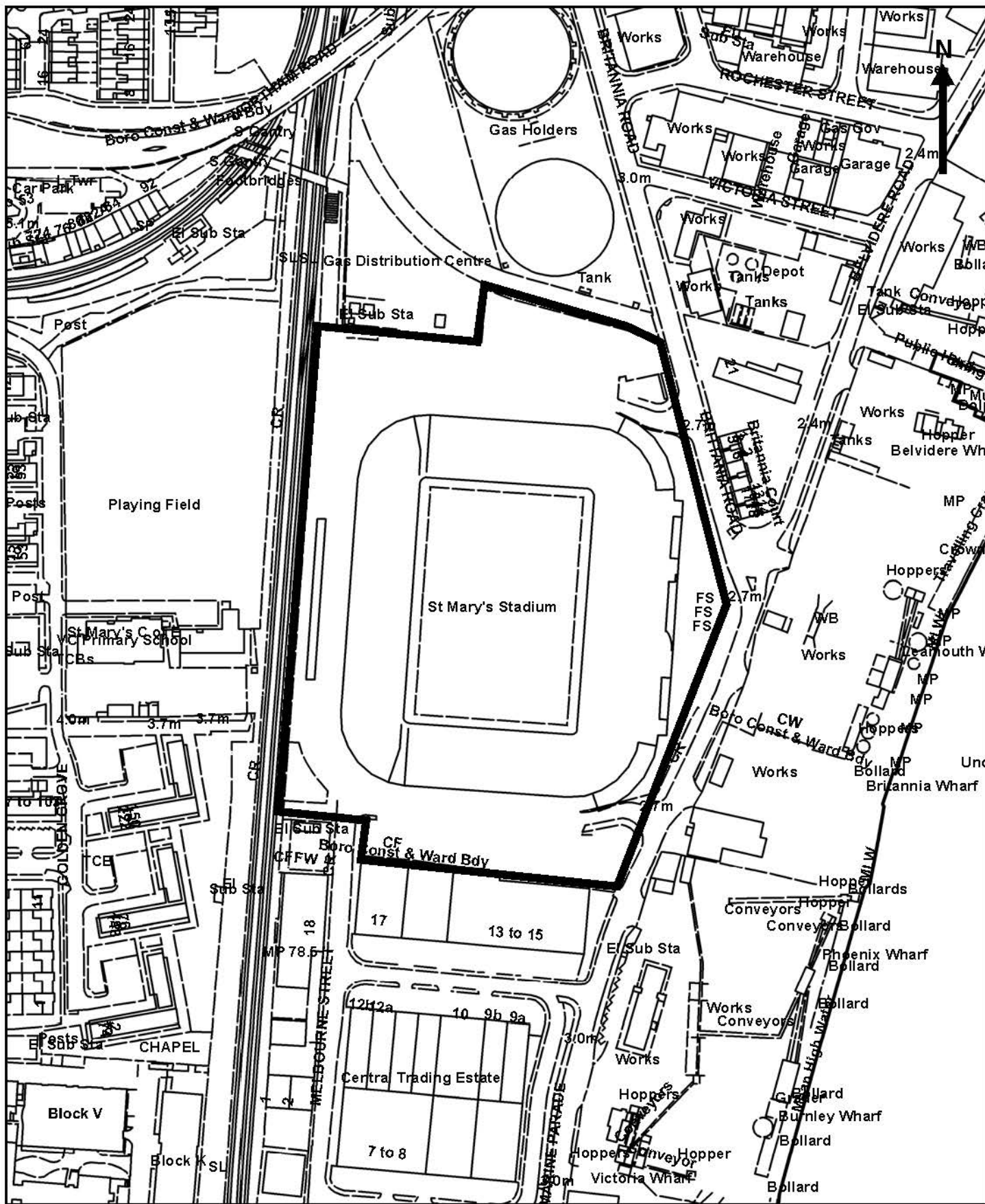
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