

Planning and Rights of Way Panel

Tuesday, 14th March, 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

2016	
7 June	13 September
21 June	4 October
12 July	25 October
2 August	15 November
23 August	6 December

2017	
10 January	4 April
31 January	25 April
21 February	
14 March	

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 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 21 February 2017 and to deal with any matters arising, attached.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 16/02016/FUL - CHAPEL RIVERSIDE (Pages 9 - 56)

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

6 PLANNING APPLICATION - 15/02410/FUL - 69 - 73 ANGLESEA ROAD (Pages 57 - 112)

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

7 PLANNING APPLICATION - 16/01826/FUL - HAREFIELD PRIMARY SCHOOL (Pages 113 - 130)

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

8 PLANNING APPLICATION - 16/00328/FUL - GLYN COURT, 37 ARCHERS ROAD SOUTHAMPTON
(Pages 131 - 146)

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

9 PLANNING APPLICATION - 16/02101/FUL- 267-271 PORTSWOOD ROAD
(Pages 147 - 158)

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 - 17/00055/FUL - 21-22 HANOVER BUILDING
(Pages 159 - 166)

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 - 16/01807/FUL - 6 SPINDLEWOOD CLOSE
(Pages 167 - 174)

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 - 16/01926/FUL -19 DARWIN ROAD
(Pages 175 - 182)

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, 6 March 2017

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2017

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

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

It was noted that following receipt of the temporary resignation of Councillor Hecks from the Panel for this meeting, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Wilkinson to replace them for the purposes of this meeting.

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

RESOLVED: that the minutes for the Panel meeting on 31 January 2017 be approved and signed as a correct record.

71. **PLANNING APPLICATION - 16/02201/NMA - LAND AT TEST LANE**

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

Non material amendment sought to planning permission ref 14/01911/FUL to reduce the height of the approved buildings and amend the approved drainage strategy – description amended following validation to remove reference to any external elevational changes.

Mark Masters (Redbridge Residents' Association objecting), Matthew Thomas (agent) and Councillor Pope (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer advised that there were no changes to the report. The Council's Senior Flood Risk Management Officer reported to the Panel that the proposed changes would not reduce the effectiveness of the flood risk compared to the mitigation measures for flood risk set out in planning permission. It was noted that the methods and principles were similar but noted the onsite storage for run off had increased. It was noted that Southern Water had raised no objection to the amended proposals. The Panel noted that Southern Water had responsibility for spoil water and had not raised an objection against planning permission being granted. Upon being put to the vote the officer amended recommendation was carried.

RECORDED VOTE to approve the non-material amendment
FOR: Councillors Barnes-Andrews, Claisse, Coombs, Denness
L Harris and Mintoff
AGAINST: Councillor Wilkinson

RESOLVED that the Panel:

- (i) confirmed that the proposed changes to the development, set out in the report, was a non-material material amendment; and
- (ii) granted conditional approval for the changes set out in the non-material amendment sought to planning permission ref 14/01911/FUL to reduce the height of the approved buildings and amend the approved drainage strategy – description amended following validation to remove reference to any external elevational changes

72. **PLANNING APPLICATION - 17/00154/NMA - LAND AT TEST LANE**

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

Non material amendment sought to planning permission Ref: 14/01911/FUL to amend the number of dock loaders on unit 3 from 18 to 7 and pedestrian footpath extended to access unit 3.

The presenting officer explained that the consultation period for the application would be open until Friday 24th February 2017 and amended the recommendation set out in the report. To delegate approval following the completion of the consultation period. Upon being put to the vote the officer amended recommendation was carried unanimously.

RESOLVED that

- (i) the Panel agreed that the proposed changes sought by this request set out in the report are considered to provide a Non-Material Amendment to the approved planning permission Ref: 14/01911/FUL. All planning conditions applicable to the approved planning permission remain in force
- (ii) the Panel delegated to the Service Lead, Planning, Infrastructure and Development approval to grant conditional approval subject to no substantial and relevant planning objections, not covered by this report, being received by 24th February (when the Site Notice expires).
- (iii) in the event that objections are received the Panel delegated authority for the Chair, following consultation with the Service Lead, Planning Infrastructure and Development to establish whether the scheme would require the Panel approval.

73. **PLANNING APPLICATION - 16/01987/FUL - LAND TO THE REAR OF 21 - 23 CRABWOOD ROAD**

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

Redevelopment of the site. Erection of a 3-storey building containing 8 flats (6x 2-bed and 2x 1-bed) with associated parking and cycle/refuse storage.

Mark Sennitt (applicant), Julian Boswell (architect) and Councillor Pope (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer explained that an additional condition regarding trees, set out below, would be required.

Upon being put to the vote the officer recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Barnes-Andrews, Coombs, Denness and Mintoff

AGAINST: Councillors Claisse, L Harris and Wilkinson

RESOLVED

- (i) Delegate to the Service Lead, Planning Infrastructure and Development to grant planning permission subject to the planning conditions set out within the report; any additional or amended conditions set out below; and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and;
 - c. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (ii) 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.
- (iii) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead, Planning Infrastructure and Development 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.

ADDITIONAL CONDITION

Arboricultural Method Statement (Performance)

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Impact Statement (ref no.J938.02 Revision A February 2017) 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.

74. **PLANNING APPLICATION - 17/00075/NMA- WATERMARK WEST QUAY**

RESOLVED that it was noted that the applicant had withdrawn this application and no consideration by the Panel was required.

75. **OBJECTION TO TREE PRESERVATION ORDER AT TEBOURBA WAY, MILLBROOK**

The Panel considered the report of the Service Director – Transactions and Universal Services, seeking to confirm The Southampton (Tebourba Way 2) Tree Preservation order 2016

RESOLVED that the Panel confirmed the Southampton (Tebourba Way 2) Tree Preservation Order 2015 (appendix 1) without further modification.

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 14th March 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JT	DEL	15	16/02016/FUL Chapel Riverside
6	SH	DEL	15	15/02410/FUL 69 - 73 Anglesea Road
7	MP	DEL	5	16/01826/FUL Harefield Primary School
8	AG/SH	DEL	5	16/00328/FUL Glyn Court, 37 Archers Road
9	AG/SH	CAP	5	16/02101/FUL 267-271 Portswood Road
10	JF	CAP	5	17/00055/FUL 21-22 Hanover Buildings
11	JF	CAP	5	16/01807/FUL 6 Spindlewood Close
12	MP	CAP	5	16/01926/FUL 19 Darwin Road

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

Delete as applicable:

JT – Jenna Turner
SH – Stephen Harrison
MP – Mat Pidgeon
JF – John Fanning
AG – Andy Gregory

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)

Planning and Rights of Way Panel 14th March 2017
Planning Application Report of the Service Lead- Infrastructure, Planning & Development

Application address: Chapel Riverside, Former Town Depot Site, Albert Road North			
Proposed development: Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping			
Application number	16/02016/OUT	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	23.02.17	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Applicant: Chapel Riverside Developments Limited		Agent: Sarah Beuden, Savills	

Recommendation Summary	Delegate to Sevice Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 – CS1, CS4, CS6, CS12, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP19, SDP21, SDP22, NE4, NE5, HE3, HE6, CLT10, CLT11, CLT12, H2, H7 of

the City of Southampton Local Plan Review (Amended 2015). Policies AP9, AP12, AP13, AP15, AP16M AP17, AP18, AP19, AP26 of the City Centre Action Plan March 2015.

Appendix attached			
1	Development Plan Policies	2	Habitats Regulation Assessment
3	Relevant Planning Policies	4	City Centre Action Plan Policy AP26

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - ii. Provision of affordable housing in accordance with Policies CS15, CS16 and 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).
 - iii. Provision, retention and management of the public square together with securing public access in perpetuity.
 - iv. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
 - viii. Provision, management and retention of a riverside walkway with permanent rights of public access.
 - ix. Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved Policy SDP 12 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).

- x. The phasing of the development.
 - xi. Flood risk management plan.
 - xii. Submission and implementation of a Travel Plan.
 - xiii. Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - xiv. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - xv. The provision and retention of football match day car parking controls.
 - xvi. A construction management plan including the routing of construction traffic.
 - xvii. The provision of on-site play space.
 - xviii. Public realm improvements to the Crosshouse Grade II Listed Building.
3. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

1. The site and its context

- 1.1 The application site, formally the City Council's main depot and waste recycling centre, is a 3.5 hectares site and located on the west bank of the River Itchen and within the defined City Centre. The Council remains landowner of the site with a Development Agreement in place with the applicant. The buildings which previously occupied the site have mainly been demolished and the site cleared. Since the site has been vacated, approximately 5 years ago, it has been used, on a temporary basis, for parking and storage in connection with the Port.
- 1.2 The site also contains three combined Southern Water sewer overflow sediment tanks. During rare or high rainfall, the sediment tanks are used to divert overflow foul and surface water. In addition to this, broadly to the centre of the site is a Southern Water waste water pumping station, which is not, however, within the application site area itself and not, therefore, part of the proposals for this site.
- 1.3 The site lies within Flood Zones 2 and 3 with a medium to high risk of tidal flooding. It is also within an area of Local Archaeological Importance with potential for Medieval remains on the site including Chapel Mill and Holy Trinity Chapel.
- 1.4 The surrounding area is commercial in nature, with a number of warehouses

neighbouring the site, with the land north-west of Elm Terrace being safeguarded for light industrial employment uses. Immediately to the north is American Wharf Grade II* Listed warehouse. This building is currently vacant and in a state of disrepair, although a planning permission exists to convert this building to residential use (applications 09/00363/FUL and 13/00908/TIME) which lapses in June of this year. Just outside of the southern site boundary is the Grade II Listed Crosshouse, which was a shelter for those waiting to board the old Itchen Ferry. There is a Sea Scouts building and storage area as well as a rowing club on separate sites adjoining to the south. Just beyond the Sea Scouts is a public hard which provides access to the Itchen.

2. Proposal

- 2.1 The application is a hybrid application with a fully detailed scheme for the first phase of development to the north-east section of the site. Outline planning permission is sought for the remaining 8 phases of the development with approval sought for the access to the site together with the layout and scale of development. The external appearance and landscaping of development are reserved from consideration for phases 2 to 9 of development. Across the whole site 457 residential units would be provided, 946 sq.m of retail floorspace and 7,963 of commercial floorspace.
- 2.2 The residential element of the development takes the form of ten blocks of flats which range from 4 to 13 storeys in height (+46.30 AOD). The tallest residential tower would be located to the edge of a new public square, approximately 3000 sq.m in area. It is anticipated that this marine square could be used for events and storage of boats associated with marine-related commercial uses in the development together with leisure related access to the water. This space would be privately maintained and managed. It is also anticipated that the existing Southern Water sediment tanks will be re-located belowground, underneath the marine square. Hence this area would need to be kept clear from built development should emergency access to the tanks be required in the future. The relocation of the sediment tanks is subject to a separate consenting process administered by Southern Water. The relocation of the tanks does not require planning permission.
- 2.3 The retail uses are comprised of four small-scale units to the ground floor of residential blocks and one further standalone single-storey unit adjacent to the southern site boundary. The units range from 75 to 322 sq.m in floor area. It is proposed that these would be either uses A1 (retail), A2 (financial and professional services), A3 (food and drink) or A4 (drinking establishment).
- 2.4 To the south-west corner of the site, four blocks of marine employment commercial floorspace will be provided within 2-4 storey buildings, two of which would also frame the marine square. It is proposed that these units could be used for either B1 (Business) B2 (General Industrial) or B8 (Storage and Distribution).
- 2.5 The application also proposes to raise the existing land levels at the eastern part of the site to 4.25 AOD, up to 1.91 metre increase. The lower levels would be used for undercroft car parking. These works will complement the new river wall, already granted permission (see paragraph 4.2, below) in terms of providing flood defence for the site and the wider area.
- 2.6 A public riverside walk, just under 300 metres in length, will be created along the waterfront of the site. This route would be broadly 4 metres in width interspersed with 12 metre wide sections.

- 2.7 The fully detailed phase 1 of the development comprises three, four-storey blocks comprising 72 flats in total (24 x 1 beds and 48 x 2 beds) and a 321 sq.m retail unit, served by 78 dedicated car parking spaces. All blocks are designed with integrated bin and bicycle storage, with the majority of units also being served by private balconies. The commercial unit would be located at ground floor within the southernmost block (Block C). A flexible use is proposed meaning the unit could be occupied by any A-class use (retail, financial and professional service, food and drink or drinking establishment). In terms of elevation treatment, the buildings would have a flat roof design, with brick elevations and decorative recessed or patterned brick detailing. Elements of grey cladding and white brick would also be used to articulate the building.
- 2.8 The scheme has been amended since originally submitted to address comments received from the Council's Highway and City Design Officer. These changes primarily improve access to the buildings and the cycle and refuse storage arrangements. The changes have also slightly amended the position of block C to avoid the need to stop up the public highway.

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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 2***.
- 3.2 The site is identified for development by Policy AP26 of the adopted City Centre Action Plan. This policy supports a high quality landmark waterfront development which incorporates a continuous public promenade along the waterfront. The policy supports a mix of uses. Policy AP26 is reproduced in full in ***Appendix 3*** of this report. Major developments in the city are also 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 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 There have been numerous previous applications relating to the former use of the site as a Council depot, none of which are directly relevant to the current application. More recently, prior approval was granted to demolish the previous buildings on the site (application reference 11/01956/DPA). Planning permission has also been granted for the use of the site for car parking, in connection with the Port, on a temporary basis (reference 13/00974/FUL).
- 4.2 Directly relevant to this application, planning permission has also been granted for the reconstruction of the river wall (application reference 16/0050/FUL). A Marine License has also been granted for the new river wall. Also of relevance is planning application 16/01699/R3CFL which is the Council's planning application for the wider river Itchen flood defence scheme. An update will be given at the meeting where possible.

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 (16.12.16) and erecting a site notice (13.12.16). Prior to the submission of the planning application, the developer held a public exhibition for the local community. This was attended by 77 local residents, 21 of which provided feedback. The application evolved to take account of comments raised. At the time of writing the report **4** representations have been received from third parties, 3 of which are on the behalf of the adjacent Sea Scouts. The following is a summary of the points raised:

5.2 ***The development would result in over-looking of the adjacent sea scouts site***

Response

The nearest proposed building to the Sea Scouts (block N) is a single-storey commercial unit. At the reserved matters stage, the detailed design approach can avoid windows directly facing onto the neighbouring Sea Scouts. Block L is a 9-storey residential block within 10 metres of the boundary with the Sea Scouts which will have an angled positioned in relation to the Scout Hut meaning that there will be no direct views into the neighbouring building itself. The yard associated with the Scout Hut is primarily used for car parking, meaning that any over-looking of this area will not be harmful in planning terms.

5.3 ***The boundary treatment of the site presents opportunities for crime and anti-social behaviour for the adjacent sea scouts***

Response

There are no significant changes to the land levels proposed immediately adjacent to the boundary with the Sea Scouts. Details of boundary treatment for the whole site are not finalised at this point in the development, given that landscaping is a reserved matter. A condition is suggested to ensure that these details are secured. Overall, the development will introduce activity and natural surveillance on the site, which are a deterrent to crime and anti-social behaviour. This is considered an improvement to the previous use, which would have limited natural surveillance outside of the working day.

5.4 ***Concern that the development would impact on the access to the slipway and river for in terms of safety and convenience***

Response

Access to the public slipway would be retained. Whilst a new access is formed to the south of the site, the Council's Highway Team is satisfied that the junction design would not lead to a conflict for road users.

5.5 ***The public car parking for the sea scouts should be retained for the sea scouts to prevent conflict with future residents of the development***

Response

The existing public car park adjacent to the site is unaffected by the development proposals. There are no current proposals to change these existing arrangements.

5.6 ***Concern that development will result in increased flood risk to the adjoining land***

Response

A detailed flood risk assessment has been submitted with the application. A new

river wall has already been granted planning permission and will provide a flood defence for the site and integrate with the Council's wider flood defence scheme. The development itself also incorporates land raising and will also result in the reduction of impermeable surface across the site and secure a sustainable drainage scheme. These measures will ensure that the development will contribute to a reduction in flood risk outside the application site and that the development itself will be adequately protected from a 1 in 200 year flood event. Furthermore, it is important to note that both the Environment Agency and the Council's Flood Risk Officer are supportive of the proposal.

5.7 *Suggest that the site should instead be used to hosts fairs and for a nature reserve*

Response

The site is not safeguarded with the adopted Development Plan for these uses and no alternative proposal for the site has been submitted for consideration. The application, therefore, falls to be considered on its own merits.

Consultation Responses

5.8 SCC Highways –

5.8.1 The applicant has reviewed the site layout since originally submitted to address initial comments made. The proposed development of the site will result in an increase in multi modal trips being made from this location. To make it acceptable to cater for all trip types, walking, cycling and car born journeys, the applicant has proposed a package of mitigation measures which are currently being finalised. These measures will include changes to the nature and feel of Albert Road North, together with the provision of improved local cycle facilities and pedestrian crossings. Some further detailed changes are required and these can be secured by condition.

5.8.2 No significant amount of public highway is to be stopped up as part of this proposed scheme, and access to the waterfront will still be maintained via Crosshouse Road which is to remain public highway, and the car park opposite the Crosshouse remains unaltered. This ensures that access for the Sea Scouts and parking for their events will remain unchanged

5.9 SCC City Design –

5.9.1 The submitted Design and Access Statement is broadly in line with the pre-application discussions for the development and so no objection is made to Phase 1 and the parameters and principles for the outline application. The following detailed points are made:

- The Central Route character area feels rather weak and doesn't appear to have a strong character other than car parking. This needs to have a much stronger tree lined landscape character.
- The Marine Square should be a character area in itself not just part of Waterfront. The ultimate purpose/function of this space needs to be clarified.
- The detailed architectural approach to Phase 1 is acceptable. It will be important to ensure architectural variety into each of the blocks for the remaining phases.
- Landscaping/planting needs to be provided along the blank wall edge with the sailing club which is part of the main pedestrian access to and from the waterfront promenade and the marine square
- Public realm enhancements to the route to and around Crosshouse from

Canute Road need to be secured.

- A Maritime Public Art strategy is required to reference the heritage of the site.
- A view from the strategic viewpoint at the centre of the Itchen Bridge to determine the impact on views of St Mary's and the Campanile is required.
- Query the provision of direct connections from Phase 1 to the waterfront.

Response:

Many of these details will be finalised at the reserved matters stage. The landscaping has been increased along the central spine road. A public art strategy will be secured by the section 106 legal agreement. The section 106 agreement will also secure public realm improvements. A further viewpoint of the development from the Itchen Bridge has been provided and demonstrates that the strategic view will not be adversely affected by the development.

5.10 SCC Housing –

- 5.10.1 In terms of the application as a whole, the proposed scheme includes a net gain of 457 new dwellings, of which the required affordable housing provision in terms of Policy CS15 of the Core Strategy (sites of 15+ units) is therefore 35% ie 160 dwellings (rounded up). The precise location, type and tenure within the affordable housing provision is subject to negotiation in due course.
- 5.10.2 Phase 1 of the scheme application comprises 72 new dwellings, of which the affordable housing requirement should again be 35% i.e. 25 dwellings (rounded down). However, in the context of site redevelopment also coming forward in later phases, some flexibility in the required Phase 1 provision is possible subject to agreement with the council, provided that there is ultimately a minimum of 35% on-site affordable housing provision across the scheme as a whole.
- 5.10.3 Planning conditions and/or obligations need to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

5.11 SCC Sustainability Team –

- 5.11.1 Encouraged by the development team's frontloading of the consideration of sustainability. Clearly the sustainability requirements for the proposed development have been considered at an early stage and this is evident by the gaining of several of the front loaded credits which are often missed. Agree that a number of sustainability considerations have been brought into play at an early stage, such as solar gain which appears to have influenced the design with more of a south facing layout to the site. At this stage, however, it is not clear if the marine employment would achieve BREEAM Excellent as required by Policy CS20.

Response:

The submitted energy strategy demonstrates that, overall, the development will exceed the policy requirement in terms of carbon dioxide reduction. A condition is suggested to require the review of the likely BREEAM attainment at the detailed design stage.

5.12 SCC Environmental Health (Pollution & Safety) –

- 5.12.1 At this stage the final proposal for the relocation of the sediment tanks has not been determined. As such, it is not clear whether future phases of development

would be adversely affected by odour from the settlement tanks. In addition to this, there will likely be odour disturbance from the Southern Water pumping station. Suggest conditions to ensuring that the phasing of development is related to assessment of odour contours across the site; the detailed design solution to the sediments tanks; to secure the phasing of works to relocate the tanks and; to secure an operational odour level

5.13 SCC Environmental Health (Contaminated Land) –

No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.14 SCC Ecology –

5.14.1 The application site comprises an extensive area of hard standing, the footprints of former buildings; small areas of amenity planting and scattered trees.

5.14.2 The site lies adjacent to the Solent and Dorset Coast proposed Special Protection Area (SPA) and approximately 250m to the south west of an area of inter-tidal mudflat which forms part of the nationally designated Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). This habitat also forms part of the Solent and Southampton Water (SPA) and Ramsar site which are European and internationally designated sites respectively. In addition, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lie approximately 2.4km to the north east. Immediately adjacent to the site's northern boundary lies an area of inter-tidal mud which is protected under Local Plan Policy NE5 Inter-tidal Mudland

5.14.3 Site ecology

The majority of the site is of negligible biodiversity value however, the vegetation does have some ecological value at a local level. In particular, this habitat has the potential to support breeding birds and foraging bats. The ecological appraisal accompanying the site details a range of mitigation measures which I support. Provided these measures are put in place, adverse impacts on protected species can be avoided

5.14.4 Statutory sites

Although there is a negligible risk of direct impacts on statutorily designated sites, the proposed development does have potential to result in indirect adverse impacts. A report considering potential indirect impacts, the 'Chapel Riverside Report to Inform a Habitats Regulations Assessment' has been submitted. I am of the view that this report has correctly identified the likely adverse impacts and that, provided the mitigation detailed in the report is implemented, the development will not result in likely significant effects upon the European sites.

5.14.5 The principal means of delivering the mitigation is a Construction Environmental Management Plan (CEMP). A draft CEMP has been submitted and I am satisfied that it contains the correct measures. Additional proposed mitigation includes the design of buildings, design of lighting, improved walking and cycling provision around the development, information about local green spaces and payment of the Solent Recreation Management Project contribution.

5.14.6 Biodiversity enhancements

In addition to the measures designed to protect the designated sites it is pleasing to see that the proposed development includes biodiversity enhancements. These include an element of habitat creation and the provision of new nesting

and roosting boxes which will benefit a range of species. One feature that I would have liked to see included is biodiverse green roofs which would complement those on the Centenary Quay development on the opposite bank of the Itchen.

5.14.7 Conclusion

I have no objection to the proposed development provided the mitigation detailed in the ecological appraisal and the statement to inform a Habitats Regulations Assessment is implemented. Suggest conditions to secure the ecological mitigation measures, protect nesting birds during construction and to secure an acceptable lighting design for the development.

5.15 **SCC Historic Environment Team –**

5.15.1 No objection. In terms of archaeology, a Written Scheme of archaeological investigation has already been approved. If the remains of Trinity Chapel are found, depending on the state of preservation of the chapel, there may be a case for preservation in situ, subject to the impact that this would have on the submitted layouts. Otherwise, the area will be excavated and preservation will be record and interpretation (by way of a public art strategy).

5.15.2 In terms of the impact on the adjacent Listed Building, whilst the development will be taller than the Grade II* Listed American Wharf, it is considered that the design provides sufficient space to ensure that it is not dominated by the new development. Care will need to be taken in the final choice of external materials. Suggest conditions to secure a programme of archaeological works.

5.16 **SCC Flood Risk Officer –**

5.16.1 Surface water drainage

There will be a reduction in the amount of impermeable area on the site as a result of the development proposals. The proposed surface water drainage strategy is through the use of permeable paving and geocellular tanks (or similar) under car park areas and access roads to accommodate the 1 in 100 year rainfall event (+ 30% climate change allowance) which in accordance with the technical standards provides a marked reduction in peak discharge from the site and a reduction in volume of runoff compared to existing. The proposed drainage system will mean any existing surface water discharging into the foul sewer will be separated and subsequently discharge into the surface water system instead which will help alleviate potential flooding from the foul system in the area.

5.16.2 The principles of the proposed SuDS scheme are acceptable but the detailed design of the system, design for exceedance and maintenance and management arrangements for the long term operation of the system still need to be confirmed. Suggest a condition to secure the final details of the sustainable drainage system.

5.16.3 Tidal flood risk

The Flood Risk Assessment (FRA) sets out the mitigation strategy for managing the residual risk of tidal flooding on the site and it is recommended that a suitable condition is applied to ensure the development is implemented in accordance with the FRA. The Site Flood Plan for more vulnerable uses on the site should be secured through a condition or obligation.

5.17 **SCC Trees –**

No objection. The development will result in a net increase in the amount of trees on site. The details of tree planting will need to be secured.

5.18 **BAA –**
No objection. Suggest conditions to secure a bird hazard management plan and an acceptable lighting scheme.

5.19 **Southern Water –**
Object. It is not clear that the necessary clearance to underground infrastructure will be achieved. An application needs to be submitted to and approved by Southern Water to relocate the storm tanks. Request that planning permission is not granted until this process has finalised. Suggests a condition to secure a drainage strategy for the site.

Response:

The applicant has provided a detailed plan demonstrated that the required clearance to water and sewerage infrastructure will be achieved. This issue is discussed in more detail below.

5.20 **Environment Agency –**
No objection subject to a condition to secure the flood risk mitigation measures as set out in the submitted Flood Risk Assessment.

5.21 **Natural England –**
Financial contributions will be required to mitigate the impact of the development on nearby European designated sites.

5.22 **English Heritage –**
Do not object in principle to the proposal. Suggest that the scheme should have greater regard for the setting of American Wharf. Suggests that the nearest building should be set back to create a larger public square between the two sites. Concern that impinging on views from the south elevations of American Wharf could restrict its attractiveness for conversion.

5.23 **Hampshire Chamber of Commerce –**
Support the application. The scheme will provide marine-based employment as well as new homes, jobs, shops and public space to stimulate the local economy and connect the city with its waterfront.

6. Planning Consideration Key Issues

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

- The principle of development;
- Design and the impact on character;
- Residential amenity (including noise and odour);
- The effect on flood risk;
- Parking, highways and transport and;
- Affordable housing and viability.

6.2 Principle of Development

6.2.1 As set out in paragraph 3.2 above, the application site is identified for development by Policy AP26 of the City Centre Action Plan. The development incorporates a mix of uses, all of which are supported by Policy AP26. The site is identified within the Council's Strategic Housing Land Availability Assessment as a major mixed use housing site with a potential for a significant number of residential units (500). A residential density of 130 dwellings per hectare would be achieved, in accordance with policy CS5 of the Core Strategy, which requires densities in excess of 100 dwellings per hectare in city centre locations and sites

identified for major development. The proposal would, therefore, make an important contribution to meeting the city's housing need.

6.2.2 The site would deliver 8% family homes in the form of 38 x 3-bedroom flats within the later phases of development. This is significantly less than the target of 30% family homes set out by policy CS16. However, the policy goes on to confirm that, within areas of the city identified for high-density residential development (such as the city centre), a lower percentage of family homes may be acceptable. The level of family homes achieved needs to be considered having regard to other factors including the constraints of the site, the character of the area and development viability. In this case, having regard to the nature of the site as a city centre waterfront development; the requirement to incorporate flood mitigation measures and; set within the context of larger, commercial buildings, it is considered that a bias towards flatted development is appropriate in this location. The development does achieve a good mix of one and two bedroom accommodation ensuring a balanced community would be achieved. Furthermore, as set out below, the scheme is subject to viability issues, meaning a higher proportion of family homes, and a resultant drop in the number of residential units achieved, could jeopardise the deliverability of the scheme. On this basis, the mix of residential units proposed is considered to be acceptable.

6.2.3 In terms of the commercial uses proposed, the provision of space to accommodate marine employment uses in this waterside location is welcome and encouraged by policy AP26 (paragraphs 5.83 refers). The retail units provided are all under 750 sq.m in floor area and, therefore, acceptable in this out-of-centre location.

6.2.4 The development proposal also incorporates the other important components identified by Policy AP26, namely:

- The provision of a continuous, publically accessible riverside promenade;
- The retention of the existing public hard and water activity centre adjacent to the site and;
- The incorporation of strategic flood defences.

6.2.5 Overall, the mix, level and nature of the development proposed are in accordance with the site allocation and represent an important opportunity to meet the aspirations of the City Centre Action Plan for a high-quality landmark development that will create a waterfront destination on the Itchen.

6.3 Design and the impact on character

6.3.1 The design approach to the site has evolved following extensive pre-application discussions with the Council which involved engaging with the Council's Design Advisory Panel. This process has contributed to a considered design approach which should fulfil the aim of the City Centre Action Plan to deliver a high-quality development in this location.

6.3.2 **Scale and Principle of Tall Buildings**

Policy AP17 of the City Centre Action Plan broadly supports the location of tall buildings (of 5 or more storeys) as landmarks along the waterfront. Policy AP26 sets out that development on this site should incorporate distinctive buildings that are visible across the water and from the Itchen Bridge. The application is accompanied by a series of viewpoints of the development from various points along the Itchen Bridge. These images demonstrate that, whilst there are points on the Bridge when the strategic views of St Mary's Church Spire and the Civic Centre Clock Tower will be lost, this is confined to intermittent points on the bridge. Overall, the strategic views would be preserved for the majority of key

vantage points. The viewpoints also demonstrate that the scale and massing of the development will provide a positive presence on the west bank of the River Itchen, which would complement and enhance the existing waterfront.

6.3.3 The two tallest buildings proposed, block J (13 storeys) and block L (9 storeys) are positioned at the edge of the marine square. The scale of development steps down to 8 storeys on the waterfront, with the lower scale buildings mainly located to the north-west section of the site, where development abuts the street frontages of Elm Terrace, Endle Street and Albert Road North. This graduation in height ensures the development would integrate into the existing built context whilst taking advantage of the space created by the river to increase the sale. The two taller blocks, particularly block J, provide a strong built edge to the marine square and act as a central focal point for the development, being particularly prominent from the key entrance into the site from the south.

6.3.4 ***Masterplan Layout (including public realm)***

The masterplan for the site has been approached by creating distinctive character areas, with separate design objectives for each area, which achieve variety and create a distinctive sense of place. The riverfront of the development incorporates the new publicly accessible river walk along the riverside perimeter of the development. The route widens at three points along its length to provide stop and stare points with planters, benches and a contrasting surface treatment. The route would be free from traffic and a generous landscaped edge would be provided in between the promenade and the residential development. This will provide an attractive setting for the route and improve the privacy for adjacent residential occupiers. A further large public amenity landscaped link will be provided between blocks G and J, opening up views of the water and increasing access to it. The route also benefits from natural surveillance from the flatted units which front it. The section 106 legal agreement will secure the provision and public accessibility of this route in perpetuity (see recommendation 1. viii, above). This route will be delivered in phases 1 through to 7 of the development.

6.3.5 Another key component of the design approach is the formation of a large marine square to the south of the site. This is a positive response to the significant development constraint of the wastewater sediment tanks. The square is a generous area and its position adjacent to the southern site entrance and the marine employment use does lend itself for boating-related usage. As set out above, the location of the taller buildings on site, and inclusion of ground floor retail uses immediately adjacent to it, will contribute to the activity and vitality of the square and ensure it benefits from natural surveillance.

6.3.6 ***Detailed Design Approach***

The detailed Phase 1 development is designed to address Albert Road North and Elm Terrace with buildings fronting onto the main streets and taking access from them. The buildings themselves have a contemporary appearance with the use of robust external materials, appropriate to this maritime environment. The elevations are articulated with stepped building lines, which adds interest and relieves the massing of the buildings, together with balconies and contrasting detailed materials creating a positive design impression. The form and massing of the different blocks provide variation whilst a consistent approach to the materials and treatment of the elevations would contribute to creating a unified character in this part of the development. Overall it is considered that Phase 1 would represent a significant improvement to the current mixed, industrial appearance of the Albert Road North and Elm Terrace street scenes.

6.3.7 ***Impact on the setting of nearby Listed Buildings***

Currently the neighbouring Grade II* Listed American Wharf building has an extremely poor setting, given the nature of the application site as a redundant commercial site. Similarly, when the Town Depot was in use, the storage of vehicles and materials immediately next to American Wharf provided a poor setting to this vacant Listed Building. At the north of the site, Phase 1 is set away from the boundary with American Wharf and with a lower scale to ensure the new development does not dominate the neighbouring Listed Building. Furthermore, the re-developed site, which incorporates attractive and public access to the waterfront together with some service uses, would represent a significantly more positive neighbour to American Wharf and hopefully act as a catalyst for the rejuvenation of that building. As such, the proposal is considered to enhance the setting of the neighbouring American Wharf.

6.3.8 Similarly, the Crosshouse structure is currently somewhat isolated amongst sporadic buildings and uses and various ad hoc structures being stored on the application site adjacent to the building. The proposals for the site would open up the public realm to the Crosshouse, with it being located at the end of the new marine square, adjacent to a key entrance. It is considered that this design would assist in the Crosshouse becoming a more prominent focal point in the area with the open space setting to the structure also providing a positive setting to it.

6.4 Residential Amenity

6.4.1 The site does not benefit from any existing residential neighbours, although, as set out above, planning permission exists for residential use on the American Wharf site. The Phase 1 development is designed to ensure that it would not have a harmful impact on the neighbouring development, should it come forward in the future. In particular, Chapel Riverside is designed with no direct overlooking of the neighbouring site and sufficient separation to ensure that windows in American Wharf would still benefit from good outlook and access to sunlight and daylight.

6.4.2 **Odour**

In terms of the quality of environment for prospective occupiers of Chapel Riverside, a key consideration is the solution to the existing wastewater sediment tanks. The proposal utilises the area upon which the tanks are currently situated for new development. Furthermore, the open air nature of the sediment tanks means that they would generate an odour issue for future residents on the site. The application is accompanied by a detailed odour impact assessment. This sets out that the odour impact on site is mainly transient and if persistent, this impact is localised. That said, the report concludes that the odour is possible to constitute a nuisance or loss of amenity for residents of the development.

6.4.3 The most likely solution to this, which has been discussed with Southern Water, is that these tanks get re-provided below ground, with the marine square being kept free of development for this purpose. This would eliminate the odour generated by the tanks and free up land for development. The works to relocate the tanks are proposed to take place in Phase 3 of the development. The submitted odour assessment confirms that the sediment tanks are not likely to represent a significant odour source for development up to and including the occupation of Phase 2. Although, the assessment does not appear to be based on odour contours across the site, meaning this works needs to be completed before Phases 1 and 2 can be occupied.

6.4.4 As noted, Southern Water have requested that planning permission not be granted until the separate Southern Water consenting process for the works has been agreed. The relocation of the tanks can, however, take place without

planning permission, although not without the agreement of Southern Water. As such, the delaying of planning permission would not be necessary nor could it prevent these works taking place. A planning condition can, however, be used to require the final detailed design to be submitted and agreed prior to the first occupation of the development and that phase 3 onwards shall not be occupied until the agreed measures have been implemented and are operational.

6.4.5 Also an issue in terms of odour is the existing Southern Water pump house, which lies outside of the application site. The submitted odour assessment concludes that the odour from this pump house could possibly constitute a nuisance or loss of amenity for residents beyond the occupation of phase 4 of development. It would be incumbent on Southern Water, under the Environmental Protection Act to ensure that the pump house is managed and maintained to mitigate this impact.

6.4.6 **Noise**

Given that the site is neighboured by commercial uses, which include industrial uses, a noise and vibration assessment has been carried out. Many of the existing commercial units that neighbour the site are historic and, therefore, unfettered by planning controls. However, the scheme is designed with commercial floorspace located immediately adjacent to the existing commercial uses, with residential uses set away. The submitted report concludes that the development can be protected from external noise sources with an adequate specification of glazing. This can be secured by condition.

6.4.7 Conditions are also suggested to ensure that the new commercial uses do not generate noise and disturbance to new residents. In particular, the hours of operation will be controlled, soundproofing measures secured and details of plant, equipment and machinery also secured by condition to avoid undue disturbance to residents within the development.

6.4.8 **Residential Design**

Overall, the layout of the development provides good spacing between buildings and achieves an orientation of residential blocks which provides good outlook and access to daylight and sunlight, minimising accommodation reliant on northerly aspects. The waterfront blocks are designed to optimise river views from the accommodation and to achieve east and west facing aspects. The majority of flats are designed to have access to private balconies and residents would also benefit from the riverside walk, the marine square and landscaped central link between block G and J. Streets and pedestrian routes within the development would benefit from natural surveillance and provide safe and convenient routes for residents. The scheme has also been amended from originally submitted to incorporate level access into the buildings. Refuse and recycling would be provided to the required standard and would be secured by condition. Overall, it is considered that the development is designed to provide a high-quality environment for future residents.

6.5 Flood Risk

6.5.1 As set out above, the site lies within an areas of medium to high flood risk. The sequential and exception tests, required by the NPPF for new development within areas of flood risk, have been carried out for the City Centre Action Plan. The application site is identified in the Southampton Coastal Flood and Erosion Risk

Management Strategy as being a strategic site which requires the implementation of flood mitigation measures to protect the city. The site also lies within a flood defence search zone as identified in the City Centre Action Plan with Policy AP15 requiring development to be designed to facilitate the delivery of an appropriate strategic flood defence.

- 6.5.2 The existing river wall acts as a retaining wall for the site as well as providing flood defence for the site and city. It is, however, in a poor state of repair, with sections at risk of collapse. The replacement river wall, already approved, will provide a flood defence for the proposed development and its delivery phased with the development of the wider site. It comprises a steel sheet piled wall, constructed to a height of 4.25m AOD, to defend against a 1 in 200 year peak tidal floor event and with an anticipated 100 year lifespan. The development also includes land raising to the eastern edge of the site to a minimum level of 4.25 AOD. The proposed works are designed to integrate with the Council's wider river Itchen flood defence scheme, currently being considered in planning application 16/01699/R3CFL. As such, both the Environment Agency and the Council's flood risk officer are satisfied that the development would be safe from flooding and would enhance the city's flood defences.

6.6 Highways and Transport

- 6.6.1 The parking for the development comprises 461 spaces for the residential development with 12 visitor spaces and 121 spaces for the commercial uses. In addition to this, there are 81 public car parking spaces in the vicinity of the site, which includes 6 additional spaces on Elm Terrace to serve the proposed retail unit in Phase 1 of the development. A private management company will enforce parking that takes place outside of designated areas once the development is occupied. The level of parking provided has been fully justified by a comprehensive Parking Strategy, submitted with the application, which includes a parking survey of surrounding streets. The parking provided complies with the maximum standards set out in the adopted Parking Standards Supplementary Planning Document.

- 6.6.2 The main vehicular access into the site will be via a priority junction on Crosshouse Road. There will be further secondary points of access from Elm Terrace which will serve Phase 1 of the development. A detailed Transport Assessment has been carried out and submitted with the application and adequately demonstrates that the proposal will have an acceptable impact on the highway network. As such, the Council's Highways and Transport Team have raised no objection to the application and the proposal is considered to be acceptable in this respect.

6.7 Ecology and Biodiversity

- 6.7.1 The main ecology and biodiversity issues are set out in paragraph 5.14 above. The Council's Ecologist and Natural England are satisfied that the development would not have a harmful impact on ecology or biodiversity subject to securing the measures set out. The Habitats Regulation Assess in **Appendix 1** of this report concludes that the development would not have a significant adverse effect on nearby European designated habitats. This assessment is required before the Council as the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) can give approval to the project. Members are recommended to endorse this conclusion to allow the planning application to be decided.

- 6.7.2 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. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

6.8 Affordable Housing and Viability

6.8.1 The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. This assessment is being independently tested by the District Valuation Service. Policy CS15 of the Core Strategy, which sets out the requirement for affordable housing provision, confirms that development viability will be considered in arriving at the level of affordable homes that could be achieved on a development site. This is consistent with paragraph 205 of the National Planning Policy Framework which confirms that, where obligations are being sought, planning authorities should take market conditions into account and be sufficiently flexible to prevent planned development being stalled.

6.8.2 In this case, the characteristics of the development site, including the need to provide strategic flood defences and the genuine brownfield nature of the site mean that it is not necessarily a straight forward site to develop. Furthermore, it is also important to consider the other planning benefits of the scheme which include bringing a key, vacant city centre site into use; delivering a significant amount of the city's housing requirement and; the delivery of a key section of public access to the waterfront. Taking these factors into account, should the District Valuation Service agree that the development cannot sustain the affordable housing obligation, it is considered justifiable in this instance. The section 106 agreement will require the viability to be reviewed as time progresses through the course of the development and the market conditions may change.

7. Summary

7.1 The application represents an opportunity to realise the vision for this important city-centre waterfront site as detailed in the Council's City Centre Action Plan. The proposal would transform an underused and genuine brownfield site and enhance the city's waterfront, whilst providing a complementary mix of uses that would contribute to meeting the Council's housing need whilst generating employment opportunities. The various developmental constraints including flood risk and odour have been adequately considered in the application and the necessary measures secured by planning conditions and the section 106 legal

agreement.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions once the Panel have endorsed the Habitats Regulation Assessment in **Appendix 1** of this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

JT for 14/03/17 PROW Panel

PLANNING CONDITIONS

01. Outline Permission Timing Condition (Performance)

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

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
- the means of access (vehicular and pedestrian) to the site and the buildings;
 - the appearance and architectural design specifying the external materials to be used and;
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures.
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. Phase 1 Implementation (Performance Condition)

The part of the Development where full details are approved by this planning application, namely Phase 1 shall begin no later than three years from the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

03. Phasing (Performance Condition)

The proposed development shall follow an implementation phasing programme as agreed in writing by the Local Planning Authority in line with the submitted indicative phasing programme (Plan ref: 1348-D9130-rev 00– All phases plan) as part of this application,

unless otherwise varied and agreed in writing by the Local Planning Authority prior to the submission of a Reserved Matters application for an alternative phasing programme.

Reason: To ensure that development takes place in an ordered and agreed methodology.

04. Odour Control & Phasing (Pre-commencement and pre-occupation condition)

Prior to the first commencement of development on the superstructure of any residential block on the site, an updated odour assessment shall be submitted to and approved in writing by the Local Planning Authority which includes odour contours from the existing odour sources on site (the Southern Water sediment tanks and the pumphouse). The phasing plan for the development shall be updated to reflect the odour contours. No residential development shall be occupied unless it is demonstrated through total odour monitoring and dispersion modelling that a maximum value of 1.5ou/m³ as a 98th percentile value of hourly values exists at the point of the units to be released for occupation as part of that phase of development.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

05. Re-location of the Sediment Tanks (pre-commencement condition)

Prior to the commencement of phase 3 of the development, namely the re-location of the Southern Water sediment tanks, the detailed design for these works shall be submitted to and approved in writing by the Local Planning Authority. The re-location of the sediment tanks shall be completed in accordance with these details and the phasing plan agreed pursuant to conditions 3 and 4, above. No development shall commence on phase 4 until the sediment tanks works are completed and operational in accordance with the agreed details.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

06. Operation of the New Sediment Tanks (pre-commencement condition)

The operational level for hydrogen sulphide at the point of discharge to the atmosphere from the new sediment tanks shall be agreed in writing with the Local Planning Authority prior to the tanks becoming operational and thereafter adhered to for the lifetime of the development.

Reason: To ensure that residents of the development are not adversely affected by odour, to secure an acceptable residential environment for future occupants of the development.

07. Restriction of Development on Land (Grampian Condition)

No development shall commence until

- (i) All parties with any freehold and/or Relevant Leasehold Interest in the application site have entered into a Confirmatory Deed to bind the application site in its entirety by the planning obligations contained in the section 106 agreement and;
- (ii) The Council has confirmed in writing it is satisfied having been provided with and investigated title, that all interests in the relevant Area of Land are bound by the said Confirmatory Deed.

Reason: To ensure that the obligations within the section 106 agreement are met to secure a satisfactory form of development.

08. Details of building materials to be used (Pre-Commencement Condition)

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

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

09. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement Condition)

Notwithstanding the submitted details, before the first commencement of the works on the superstructure of the buildings within the respective phases, a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

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

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

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

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a

positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

10. Car Park Ventilation (Performance Condition)

Prior to the commencement of each phase of development reliant upon basement car parking, details of the proposed means of ventilation to that basement shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason: In the interests of visual amenity.

11. Bird Hazard Management Plan (BHMP)

Development shall not commence until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

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

12. A1/A2/A3/A4 Floorspace (Performance Condition)

The flexible retail uses hereby permitted for the development shall, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

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

13. B1/B2/B8 Floorspace (Performance Condition)

The flexible business uses hereby permitted for the development shall, under Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended) shall be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

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

14. A1/A2/A3/A4 Hours of Use and Delivery Restriction (Performance Condition)

The retail uses hereby permitted shall not operate outside the following hours:

Monday to Saturdays	07:00 to 23.30 (11.00am to 11.30pm)
Sundays and public holidays	08.00 to 22.00 (12.00pm to 11.00pm)

No deliveries shall be taken or despatched from the retail uses outside of the hours of 07:00 to 22:00 daily.

Reason: In order to control the use in the interests of amenity

15. Active Frontages (Performance Condition)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the A Class Units hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl).

Reason: In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm.

16. Plant and Machinery and Soundproofing (Pre-occupation)

Before individual commercial units come into use, details of plant and machinery to be used within the use, together with measures to minimise noise from them and soundproofing measures to mitigate any external and internal noise transfer to residential units within the development, shall be submitted to and agreed in writing by the Local Planning Authority. The measures shall be installed in accordance with the agreed details within the unit to which they relate, before that unit is occupied and thereafter retained as approved.

Reason: To ensure residents of the development are not adversely affected by noise from the commercial uses.

17. B1/B2/B8 Hours of Use Restriction (Performance Condition)

The business uses hereby permitted shall not operate outside the following hours:

Monday to Friday	08:00 to 18:00
Saturdays	08:00 to 13:00

And at no time on Sundays and Public Holidays. No deliveries shall take place outside of the times specified above.

Reason: In order to control the use in the interests of amenity

18. Archaeological work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with the 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.

19. Archaeological damage-assessment (Pre-Commencement Condition)

The developer will submit plans for each phase of the development showing the type and dimensions of all proposed groundworks, to be agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the

Local Planning Authority.

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

20. Land Contamination investigation and remediation (Pre-Commencement & Occupation Condition)

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

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

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

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

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

21. Reuse of uncontaminated soils (Performance Condition)

No soils, sub-soil or other spoil material generated from the construction shall be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason: The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

22. Use of uncontaminated soils and fill (Performance Condition)

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

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

23. Unsuspected Contamination (Performance Condition)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

24. Hours of work for Demolition / Clearance / Construction (Performance Condition)

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

25. Energy & Water (performance condition)

Within 6 months of each residential phase 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).

26. Energy & Water (performance condition)

Within 6 months of each phase of the development first becoming occupied, written documentary evidence proving that the respective phase of 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).

27. BREEAM Standards (Pre-Commencement)

Prior to the commencement of each phase of development, a feasibility study for the attainment of BREEAM Excellent for the individual commercial units shall be submitted to and agreed in writing by the Local Planning Authority. Written documentary evidence demonstrating that the development has achieved the agreed BREEAM standard rating, which shall be no less than Very Good, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the respective commercial units are first occupied, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

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

28. Road Construction (Pre-Commencement Condition)

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

- A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.

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

29. Car parking, cycle parking, refuse storage (Pre-Occupation Condition)

The buildings hereby approved shall not be first occupied until the car parking, cycle parking and refuse storage areas, to which that building relates have been provided and made available for use. The refuse shall include accommodation and the provision of separate bins for the separation of waste to enable recycling and a level access to the storage areas.

The approved car parking, cycle parking and refuse and recycling storage shall thereafter be retained whilst the building are used for residential / commercial purposes. The residential parking shall be allocated on a 1 space per dwelling basis unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure appropriate provision of car parking, cycle parking and refuse provision and in the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

30. Ecological Mitigation Statement (Pre-Commencement Condition)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, [as set out in the submitted Ecology report with the application] which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before construction works commence.

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

31. Window glazing details (Pre-Occupation Condition)

No building shall be first occupied until details of windows to be acoustically treated as specified in the Acoustic Report submitted with the application have been provided, details of which have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers from traffic noise.

31. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason To seek suitable information on Sustainable Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

33. Drainage details (Pre-Commencement Condition)

The development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure the provision of adequate drainage arrangements and to minimise flood risk.

34. 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.

Habitats Regulations Assessment (HRA)

Application reference:	16/02016/OUT
Application address:	Chapel Riverside Former Town Depot Site, Albert Road North
Application description:	Demolition of all existing buildings and structures and site clearance. Outline planning permission sought for 457 residential units, 4,963 sqm. (GIA) commercial floorspace (Use Classes B1/B2/B8) and 946 sqm. (GIA) of flexible retail floorspace (Use Classes A1/A2/A3/A4) in buildings ranging from 1 to 13 storeys and the creation of a riverside walkway/cycleway. Full planning permission sought for the development of Phase 1 comprising 72 residential units (comprising a mix of 24 x 1 bed and 48 x 2 bed units) and 322 sqm of flexible retail floorspace (Use Classes A1/A2/A3/A4) within 4-storey buildings with associated access, parking and landscaping.
HRA completion date:	27/02/2017

HRA completed by:

Lindsay McCulloch
 Planning Ecologist
 Southampton City Council
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Summary

The project being assessed is a mixed development that will lead to the provision of 457 residential units with commercial and retail floorspace plus a riverside walkway and car parking. The site is located immediately adjacent to the Solent and Dorset Coast potential Special Protection Area (pSPA), approximately 245m from the Solent and Southampton Water SPA /Ramsar site and approximately 5.1km from the New Forest Special Area of Conservation (SAC)/ SPA/Ramsar site.

The site is currently vacant having previously been used as a council depot. It is located a close to European sites and as such there is potential for construction stage impacts. Concern has also been raised that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SAC/SPA/Ramsar site.

The findings of the initial assessment concluded that significant effects were possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that **the significant effects which are likely in association with the proposed development can be overcome.**

<p>European sites potentially impacted by plan or project:</p> <p>European Site descriptions are available in Appendix I of the City Centre Action Plan's Habitats Regulations Assessment Baseline Evidence Review Report, which is on the city council's website at</p>	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Special Protection Area (SPA) ▪ Solent and Southampton Water Ramsar Site ▪ River Itchen Special Area of Conservation (SAC). ▪ Solent Maritime SAC ▪ New Forest SAC ▪ New Forest SPA ▪ New Forest Ramsar site
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No – the development consists of an increase in residential dwellings and commercial and retail floorspace which are neither connected to, nor necessary for, the management of any European site.</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (http://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/work/housing-and-planning/south_hampshire_strategy.htm) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq m of office floorspace and 462,000 sq m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the former Town Depot site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>
<p>Regulation 68 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) is clear that the assessment provisions, i.e. Regulation 61 of the same regulations, apply in relation to granting planning permission on an application under Part 3 of the TCPA 1990. The assessment below constitutes the city council's assessment of the implications of the development described above on the identified European sites, which is set out in Regulation 61 of the Habitats Regulations.</p>	
<p>Section 2 - Assessment of implications for European sites</p>	
<p>Test 1: the likelihood of a significant effect</p>	

- This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.

The proposed development is located 245m to the south-west of a section of the Solent and Southampton Water SPA and Solent and Southampton Water Ramsar Site whilst the New Forest SAC, SPA and New Forest Ramsar site are approximately 5.1km to the south.

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be both temporary, arising from construction activity, or permanent arising from the on-going impact of the development when built.

In their response to the consultation on this planning application, dated 11th August, 2015 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. The response also highlighted the potential for recreational impacts upon the New Forest SPA as a consequence of the operation of the proposed development.

Section 3.2.1 of the Report to Inform a Habitat Regulations Assessment (November 2016) identified the following effects within the immediate vicinity of the proposed development:

- Habitat loss or degradation (of the designated site itself or associated habitats such as foraging or roosting areas used by interest species)
- Flood risk/coastal squeeze;
- Effects on connectivity/collision risk;
- Pollutants (mobilisation of contaminants, siltation) ;
- Disturbance (light, noise, vibration, visual disturbance).

Plus the following wider scale impacts:

- Atmospheric pollution (traffic);
- Recreational disturbance;
- Water demand;
- Effluent discharge.
-

A number of avoidance and mitigation measures are set out in section 9 of the Report to Inform a Habitat Regulations Assessment (November 2016), Aspect Ecology which are summarised as follows:

Construction phase

- Construction methodology to ensure no pollution of the River Itchen from mobilisation of contaminants, spillage of fuel, oil or other chemicals or release of silt laden water;
- Use of quiet construction methods e.g. replacement piling rather than displacement piling, where feasible;
- Where practical 'Noisy' machinery will be sited away from the shoreline;
- Provision of acoustic screens or enclosures;
- Seasonal restrictions on works;
- Suspension of piling when temperatures are at or below freezing;
- Lighting along the riverside to be directed away from the shoreline through the use of reflectors, hoods or screening;
- Provision of a Construction Environmental Management Plan (CEMP) containing detailed methodologies for the avoidance measures.

Operational

- Avoidance of large areas of glass and use of design measures including non-reflective fretting of glass, interior artwork, non-reflective one way glass, balconies, vegetated facades and angled windows (40 degrees);
- Provision of a lighting scheme including systems to turn off or dim exterior lighting, careful selection and positioning of luminaries and use of louvres, shields or hoods to control light spill;
- Creation of a riverside walk/cycleway;
- Contribution of £ 83,248 (£176 x 457) to the Solent Recreation Mitigation Project;
- Improvements to local roads to provide enhanced opportunities for pedestrians and cyclists;
- Provision of a welcome pack to new residents including walking and cycling maps illustrating local routes and public transport information; and
- Appointment of a Travel Plan Coordinator who will investigate other transport initiatives, including discounts on cycling equipment and setting up of walking and cycling user groups.

In addition, 5% of the Community Infrastructure Levy (CIL) for the development will be ring fenced for recreational improvements in the Shoreburs and Weston Greenways and Peartree Green.

Conclusions regarding the likelihood of a significant effect

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

The project being assessed would lead to up to 457 additional dwellings and new retail and office floorspace in close proximity to a section of the Solent and Southampton SPA/Ramsar site and within reasonable travel distance of the New Forest SAC/SPA/Ramsar site.

The site is currently vacant and although the former use as a council depot would have generated some noise and light disturbance impacts, these are likely to have been at a lower level than those anticipated to arise from the proposed development. The proposed development is also likely to lead to new permanent impacts as a result of an increase in recreational pressure plus temporary impacts arising from the construction activities and as such the precautionary principle applies.

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

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

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

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

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

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

the aims of the Birds Directive."

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

TEMPORARY, CONSTRUCTION BASED EFFECTS

Habitat loss or degradation

Solent and Southampton Water SPA/Ramsar site

The application site is separated from the Solent and Southampton Water SPA/Ramsar by the main channel of the River Itchen. This physical separation combined with the avoidance of encroachment into the river channel mean that the proposals will not result in the direct loss of habitat from within the SPA/Ramsar site. In addition, a wintering bird survey, undertaken from November 2014 to March 2015, did not record any foraging or roosting activity by interest species on or adjacent to the site itself, with the nearest high tide roosts on a slipway and floating pontoons approximately 250m and 280m respectively from the site boundary. As a result, it can be concluded that direct loss of supporting habitat is also unlikely.

River Itchen SAC

As with the Solent and Southampton Water SPA the River Itchen SAC is physically separated from the application site so no direct loss or degradation of SAC habitats is likely. However, the tidal reaches of the Itchen are known to be used by otter, *Lutra lutra*, and migrating Atlantic salmon, *Salmo salar*, which are species for which the SAC is designated. There is therefore some potential for disturbance or degradation of supporting habitats which is considered in following sections.

Solent and Dorset pSPA

The proposals will not result in any loss of riverine habitat and hence there will be no reduction in potential foraging areas.

Other sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all well separated from the development site so no direct loss of habitat would occur.

As there will be no direct habitat loss, there will be no implications for the identified European sites from this impact pathway. Indirect habitat loss is addressed through various sections below.

Disturbance

This includes physical disturbance, visual disturbance, noise and vibration arising from construction activities. This has the potential to lead to a significant effect upon the Solent and Southampton Water SPA and Ramsar site and species for which the River Itchen SAC is designated. The other European sites are too distant to be impacted by construction activity.

Solent and Southampton Water SPA/Ramsar site

Light

In terms of lighting and visual disturbance during the construction phase, the effects are unlikely to extend to the inter-tidal areas on the eastern bank which are the areas with the highest levels of roosting and foraging activity. Areas adjacent to the site could be affected however, these have been shown to be of limited foraging and roosting value. As such it can be concluded that birds for which the SPA/Ramsar is designated would not be subject to any significant effects associated with lighting or visual disturbance.

Where lighting is required during the construction phase (e.g. for security), this will be directed away from the shoreline, with use of reflectors, hoods or screening where necessary to avoid light spill along the river.

The application site is located within an existing industrial area with high levels of activity along

the water front. The wintering bird surveys undertaken in support of the planning application indicated that there was minimal activity by bird species for which the SPA is designated on or immediately adjacent to the application site. The nearest areas of importance for these species are the mudflats on the eastern side of the river which are over 200m away. As such, it is unlikely that any negative effects will occur as a consequence of lighting or visual disturbance from the proposed works.

Noise

Construction activities including building demolition, breaking up of hardstanding and piling are likely to generate noise levels in excess of the existing background noise. There is therefore the potential for noise and vibration to impact areas beyond the site.

The Itchen Riverside Master Plan Ecological Baseline Study produced on behalf of Southampton City Council recommended keeping noise levels below 75dB and also indicated that levels above 70dB can impact birds up to 300m away.

An assessment of the potential effects of operations such as impact and vibratory piling was undertaken in support of the planning application for the river wall construction. This assessment concluded that noise levels in excess of 70dB would only extend to approximately 100m from the site. This is less than the distance to the mudflats on the eastern side of the river. Substantially higher noise levels were predicted for the hydraulic impact hammer with the 70dB contour extending to 223.9m and the 75dB contour to 125.9m from the edge of the site. However, this is still less than the distance to intertidal habitats on the far side of the river and the high tide roosts, located 250m and 280m from the site respectively. Even based on the maximum sound pressure level, noise exposure levels were not predicted to exceed 80dB, such that significant noise disturbance should not be experienced by these areas. As a consequence birds using these areas are unlikely to be affected by noise disturbance.

Bearing in mind that the works associated with the main development would not involve activities likely to generate noise or vibration levels in excess of those predicted for the river wall construction, it is considered that a similar conclusion can be reached.

Despite the low risk of impacts from noise and vibration the CEMP accompanying the planning application proposes a number of measures which are likely to reduce noise impacts to a negligible level. These include utilising quiet construction techniques, for example vibro or continuous flight auger piling where possible, acoustic screening, timing of work to avoid ecologically sensitive periods, suspension of piling where temperatures are at or below freezing, use of equipment to reduce noise and vibration (e.g. use of timber wedges) and, where practical, the positioning of 'noisy' machinery away from the shoreline.

River Itchen SAC

Atlantic salmon, one of the species for which the SAC is designated, pass through the tidal reaches of the Itchen on their way to and from their breeding grounds upstream. Vibration generated by activities such as piling can result in adverse impacts ranging in severity from delaying the migration of fish to physical injury to fish.

The majority of the measures proposed to minimise the noise impacts on over-wintering birds will also benefit Atlantic salmon however, care is required in respect of the use of timing with the optimum period for salmon occurring during a sensitive period for over-wintering birds.

Should percussive piling be required, timings favouring salmon should be adopted due to the more serious nature of the impacts however, where this coincides with temperatures at or below freezing piling should be suspended.

Other designated sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all sufficiently distant from the site to be unaffected by construction phase disturbance.

It is considered that the avoidance and mitigation measures are appropriate and will be effective. Subject to a CEMP being agreed, this will ensure that there will be no implications for the identified European sites from this impact pathway.

In order to be effective, the agreement of the CEMP will need to be required as a pre-commencement condition, attached to any granting of outline consent.

Solent and Dorset Coast pSPA

The pSPA is designated for its importance as foraging habitat for terns, rather than for breeding or roosting. Notably, it is understood that the principal breeding areas in the Solent for terns are in the vicinity of Lymington (Keyhaven to Pylewell) (in Solent and Southampton Water SPA) and around Chichester and Langstone Harbours, including islands in the harbours (e.g. Stakes Island and Pilsey Island). Given the distance between the site and these locations, it is considered unlikely that disturbance would occur to breeding or roosting sites.

When feeding, terns are likely to be less susceptible to disturbance, whilst the small area affected by increased noise and vibration levels is unlikely to be of significance given the overall large area of the pSPA. As such, it is considered that disturbance is unlikely to result in adverse effects on associated tern populations. Nevertheless, controls proposed to avoid disturbance to Atlantic Salmon will coincide with the tern breeding season, such that potential effects would be minimised in any event.

Pollutants (mobilisation of contaminants, siltation)

Solent and Southampton Water SPA/Ramsar site, Solent and Dorset Coast pSPA and River Itchen SAC

The proposed development could potentially lead to pollution of the river channel as a result of contaminated surface water runoff, either from mobilisation of historic contaminants, or pollution events during the construction phase. Construction activities could also result in an increase in silt levels which could affect water quality.

The CEMP contains a number of measures including dust suppression, designated areas for refuelling, no discharges into surface water drainage or the river, the use of spill kits and an incident response plan which will reduce the potential for release of pollutants to a negligible level.

River Itchen SAC

The SAC lies upstream of the site, and therefore is unlikely to be directly affected by mobilisation of contaminants or siltation. Indirect effects, through impacts upon salmon passing close to the site, are possible however measures identified to safeguard features of the Solent and Southampton Water SPA/Ramsar should be sufficient to mitigate any adverse effects.

Other designated sites

The Solent Maritime SAC and the New Forest SAC, SPA and Ramsar site are all sufficiently distant from the site to be unaffected by construction phase disturbance.

It is considered that the avoidance and mitigation measures are appropriate and will be effective. Subject to a CEMP being agreed and the necessary pollution control measures being secured through condition, there will be no implications for the identified European sites from this impact pathway.

PERMANENT, OPERATIONAL EFFECTS.

Habitat Creation and habitat degradation

The proposed development will not result in any direct habitat loss and as such there will be no implications for any of the identified European sites from this impact pathway. Indirect habitat loss is addressed through various sections below.

Flood risk and coastal squeeze

Solent and Southampton SPA and Solent and Dorset Coast pSPA

The site itself comprises hardstanding and the footprints of former buildings, with a sheet piling river wall along the eastern boundary physically separating the site from the river. Reconstruction of the river wall will be undertaken under a separate planning consent, with no encroachment beyond this under the current proposals. As such, the proposed development will not result in any further encroachment into coastal or associated habitat.

River Itchen SAC

Given its separation from the SAC, the proposed development would not contribute to flood risk or coastal squeeze associated with the SAC.

Solent Maritime SAC

Given its separation from the SAC, the proposed development would not contribute to flood risk or coastal squeeze associated with the SAC.

Pollution

Solent and Southampton Water SPA/Ramsar site

The bird species for which the SPA is designated are not directly sensitive to air pollution, although increased atmospheric pollution could adversely affect supporting habitats, including those noted on the Ramsar citation. In this context, atmospheric pollution, particularly nitrogen deposition, is highlighted as a potential issue under the HRAs for SCC's Core Strategy and City Centre Action Plan (CCAP), and these plans set out a number of strategic measures to reduce traffic levels and associated atmospheric pollution.

An initial traffic assessment has been undertaken of the proposed development, which predicts increases in traffic along the road immediately adjacent to the site, Elm Terrace, of approximately 2000 AADT (annual average daily traffic). The next nearest roads, Albert Road North and Chapel Road, are expected to experience increases in traffic levels above 1000 AADT. All of these roads are located within 500m of the site.

According to Highways Agency guidance relating to the assessment of traffic and atmospheric pollution, beyond 200m of a road the effects of emissions are reduced to background levels. The only section of road within 200m of the SPA and Ramsar site within the near vicinity of the development site is the Northam Bridge (the Itchen Bridge lies between sections of the SPA/Ramsar at further than 200m distance). Traffic levels for the bridge itself have not been calculated however, manually recorded data of traffic flows along Marine Parade, which leads to the bridge, suggest an increase of 396 AADT is likely. This is below the 1000 AADT threshold for potential significant effects indicated by Highways Agency guidance and consequently no significant increase in pollutant levels is expected.

As such, it is considered unlikely that traffic generated by the proposed development would result in any significant effect on the SPA/Ramsar.

Solent and Dorset Coast pSPA

The tern species for which the pSPA is proposed are not directly sensitive to air pollution. In any event, as set out in regard to other designations, the proposed development is unlikely to result in significant increases in atmospheric pollution that could affect habitats supporting these species.

River Itchen SAC

Increases in traffic beyond the immediate surrounds of the site will be below the 1000 AADT threshold for potentially significant effects set out by Highways Agency guidance. As such it is considered that effects on the SAC as a result of atmospheric pollution are highly unlikely.

Other sites

The increase in traffic will be local to the development site and measures contained within the

CCAP and Core Strategy will be sufficient to deal with atmospheric pollution arising from traffic using the wider road network.

As the assessment indicates that atmospheric pollution will remain within acceptable limits there will be no implications for the identified European sites from this impact pathway.

Effects on connectivity/collision risk

Solent and Southampton Water SPA/Ramsar site

Research has indicated that tall buildings pose a collision risk to birds. In addition to height, lighting, which can draw birds towards buildings especially in bad weather, and reflective surfaces pose particular risks.

The Southampton Wetland Bird Flight Path Study 2009, which was undertaken to support the development of the Core Strategy, established the majority of flight activity occurred over the river corridors with little movement into the city centre area. A moderate level of activity was recorded along the southern section of the River Itchen, close to the site, although there was no movement away from the river channel.

Of the interest species for which the SPA is specifically designated, rather than as part of an assemblage, Dark-bellied Brent Goose and small numbers of Mediterranean Gull were noted as flying within the vicinity of the site.

The majority of Brent Goose activity was confined to the river corridor, although a small number of birds were recorded within close proximity to buildings within the city centre. There is therefore minor potential for Dark-bellied Brent (and to a lesser extent Mediterranean Gull) to be adversely affected by development proposals at the site as a result of disruption to flight lines and collision risk. In regards to other species, Black-tailed Godwit, Ringed Plover and Teal were all noted to be flying on paths well away from the city centre.

The built form of the proposed development has been designed to minimise disruption to flightpaths and reduce collision risk. This has been achieved by breaking up the built form into a number of buildings with landscaping being used to provide open spaces enabling birds to fly between buildings. Further detailed design measures, including, the avoidance of large areas of glass, glazed areas to have high levels of 'visual noise', use of angled windows and use of bird screens, will be incorporated into individual buildings.

Solent and Dorset pSPA

As set out at section 4 in relation to Solent and Southampton Water SPA/Ramsar, built development has the potential to increase incidences of bird strike. Accordingly, the built form of the proposed development has been designed to minimise disruption to flightpaths and reduce collision risk. In addition, the measures detailed for the Solent and Southampton Water SPA will help to reduce the collision risk further.

Other sites

The other European sites are too distant from the application site to experience adverse impacts on connectivity for habitats or species.

The proposed mitigation measures are considered to be effective. As a result, it is concluded that there is no likelihood of any implications to the European sites from this impact pathway.

Disturbance (visual disturbance, noise and lighting)

Solent and Southampton Water SPA/Ramsar site

The development includes a waterside path and open space, streets and new homes which will lead to higher levels of human activity, noise and lighting. However, the designated habitats are located 245m to the north east of the application site adjacent to an existing industrial area. It is therefore reasonable to assume that birds using the inter-tidal area are habituated to relatively

high levels of noise, lighting and human activity.

To ensure that disturbance remains within acceptable levels the area immediately adjacent to the river has been designed as a landscaped walkway with retail and office areas located away from the shoreline.

A lighting scheme will be prepared at the detailed design stage which will include measures to reduce the attraction for birds. Measures to be incorporated include;

- lighting in accordance with anti-sky lighting protocols;
- systems to turn off or dim exterior lighting;
- careful selection and positioning of luminaries, particularly in relation to avoiding light spill along the shoreline; and
- use of louvres, shields or hoods to control light spill;

River Itchen SAC

The application site lies downstream of River Itchen SAC and as such activities such as lighting could act as a barrier for Atlantic salmon and otter which move along the river channel. A number of mitigation measures aimed at removing adverse impacts from lighting, noise and vibration have been incorporated into the design of the development and as a consequence there is a negligible risk of disturbance.

Other sites

The other European sites are too distant from the application site to experience adverse impacts on habitats or species from visual, noise and light disturbance.

The proposed mitigation measures are considered to be effective. As a result, it is concluded that there is no likelihood of any implications to the European sites from this impact pathway.

Recreational disturbance

The proposed development will result in an increase in human population which is likely to lead to a rise in recreational activity at SPA locations, both in the immediate vicinity of the development but also further afield. Increases in recreational activity at SPA locations have the potential to result in mortality in the SPA bird populations due to increased disturbance. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (SDMP)

(http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). A key conclusion of the research was that residential development within 5.6km of a Solent SPA could lead to a likely significant effect as a consequence of disturbance from recreation.

Solent and Southampton Water SPA/Ramsar site

The development is not located close to any sections of the SPA however, as each residential unit will benefit from a car parking space it will be possible for new residents to access the coast. It has been calculated that the development could generate approximately 60,781 additional visits to the coast which equates to 0.76%% of the total annual visits modelled on the basis of the projected increase in housing. On its own this number of additional visits is unlikely to lead to significant effects however, when considered in combination with recreational activity arising from other residential developments across south Hampshire, there is potential for adverse impacts.

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £176 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicants intend to make a payment of £80,432 (457x176) to the Solent Recreation Mitigation Project (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

Providing the proposed mitigation can be secured there are no implications from increased recreation on the SPA designations, even accounting for other plans and projects.

Solent and Dorset Coast pSPA

As set out above in relation to disturbance, the pSPA is designated for its importance as foraging habitat for terns, rather than for breeding or roosting, with the principal breeding areas in the Solent located some distance from the site. Although breeding coastal birds can be particularly vulnerable to human disturbance, and in particular dog walkers, the principal breeding locations are all located beyond 5.6km from the site and are therefore unlikely to be subject to recreational disturbance associated with residents of the development. In regard to foraging, terns are aerial rather than sedentary feeders, and as such are unlikely to be sensitive to recreational disturbance. Accordingly, it is considered unlikely recreational disturbance would result in adverse effects on tern populations associated with the pSPA.

River Itchen SAC

The habitats and species listed under the SAC citation are not considered to be sensitive to recreational disturbance, and as such, the proposed development is unlikely to result in any significant effect on the SAC as a result of recreational disturbance, either alone or in combination.

Solent Maritime SAC

The habitats and species listed under the SAC citation are generally associated with coastal or intertidal areas that are unlikely to be directly accessed by visitors to these areas. As such, potential for adverse effects as a result of recreational activity arising from the proposed development is considered to be negligible. In addition, it is proposed that a contribution is made towards strategic avoidance/mitigation measures in respect of the Solent and Southampton Water SPA/Ramsar site, which would also offset the potential for effects on the Solent Maritime SAC.

New Forest SAC/SPA/Ramsar site

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

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

The application site is located 5.1km from the nearest part of the New Forest SAC, SPA and Ramsar site in terms of linear distance and as such, residents of the proposed development are likely to be non-local day visitors. The Footprint Ecology research indicates that visitors within this group make an average of 45 visits per year to the New Forest. It is likely therefore that the recreational pressure arising from the development on its own is unlikely to be significant. However, bearing in mind the high level of new housing planned across South Hampshire there is potential for it to be significant in-combination with other residential developments.

Whilst, it is not possible or desirable to eliminate day visits to the New Forest there is scope to encourage new residents to make use of the existing public open space within Southampton which is both varied and within relatively close proximity to the development. The City Council has given an undertaking to ring fence 5% of the Community Infrastructure Levy (CIL) generated by the development for the improvement of infrastructure within the city's greenways. Peartree

Green, and two of the greenways, Shoreburs and Weston are located relatively close to the site, a 2km, 2.8km and 4.7km by road respectively, and it is reasonable to expect the new residents to make use of these sites. In addition, the development includes measures to improve walking and cycling provision in the vicinity of the site and new residents will be provide with a welcome pack containing maps illustrating the locations of local open space, walking/ cycling routes and public transport information.

Following implementation of the measures set out above, it is concluded that any potential effects on European designations as a result of the proposed development will be avoided.

Water demand and effluent discharge

All European sites

Water demand and effluent discharge are largely addressed at a strategic level, and based on the policies set out in SCC's Core Strategy, the accompanying HRA indicates that no likely significant effect as a result of these issues has been identified.

Policy CS20 (Tackling and Adapting to Climate Change) in particular sets out standards in regard to water efficiency. As such, the proposed development will ensure that water efficiency is maximised through installation of high performance internal fittings, as well as rainwater harvesting and greywater recycling systems where viable. Further detail is provided in the Sustainability Statement which accompanies the planning application.

Following implementation of these measures, the proposed development is unlikely to result in any significant effect on the European sites as a result of these issues.

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

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

Conclusions

The findings of the initial assessment concluded that there a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites. It has also considered the effectiveness of the proposed avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, the significant effects which are likely in association with the proposed development can be overcome. A detailed mitigation package is set out in section 9 of Meridian Gardens: Report to Inform a Habitats Regulations Assessment, October 2014, Aspect Ecology. These measures, which are summarised below, should be secured through a legal agreement or planning conditions:

- A Construction Environment Management Plan covering:
 - Piling methodologies
 - Timing of works
 - Noise levels
 - Control use of fuel, oil and other chemicals
 - Control of surface water runoff
 - Dust suppression
- A financial contribution to the SRMP
- Improvements to walking and cycling infrastructure in the vicinity of the development.

- Provision of information on local parks and routes to them
- A detailed lighting plan
- Building design aimed at reducing collision risk

In addition, 5% of the Community Infrastructure Levy (CIL) for the development will be ring fenced for recreational improvements in the Shoreburs and Weston Greenways and Peartree Green.

As a result, there should not be any implications as a result of this development in relation to either the conservation objective of the SPAs to "avoid the deterioration habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring that the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive" or to the conservation objective of the SACs to, "Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features."

European Site Qualifying Features

Solent and Southampton Water SPA

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

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

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

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

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

- Gadwall *Anas strepera*
- Teal *Anas crecca*
- Ringed Plover *Charadrius hiaticula*
- Black-tailed Godwit *Limosa limosa islandica*
- Little Grebe *Tachybaptus ruficollis*
- Great Crested Grebe *Podiceps cristatus*
- Cormorant *Phalacrocorax carbo*
- Dark-bellied Brent Goose *Branta bernicla bernicla*
- Wigeon *Anas penelope*
- Redshank *Tringa tetanus*
- Pintail *Anas acuta*
- Shoveler *Anas clypeata*
- Red-breasted Merganser *Mergus serrator*
- Grey Plover *Pluvialis squatarola*
- Lapwing *Vanellus vanellus*
- Dunlin *Calidris alpina alpina*
- Curlew *Numenius arquata*
- Shelduck *Tadorna tadorna*

Solent and Southampton Water Ramsar Site

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

- Ramsar criterion 1: The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.
- Ramsar criterion 2: The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at least eight British Red Data Book plants are represented on site.
- Ramsar criterion 5: A mean peak count of waterfowl for the 5 year period of 1998/99 – 2002/2003 of 51,343

- Ramsar criterion 6: The site regularly supports more than 1% of the individuals in a population for the following species: Ringed Plover *Charadrius hiaticula*, Dark-bellied Brent Goose *Branta bernicla bernicla*, Eurasian Teal *Anas crecca* and Black-tailed Godwit *Limosa limosa islandica*.

River Itchen SAC

The River Itchen SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitat:

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

River Itchen SAC also qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly *Coenagrion mercurial* (primary reason for selection)
- European Bullhead *Cottus gobio* (primary reason for selection)
- White-clawed Crayfish *Austropotamobius pallipes*
- European Brook Lamprey *Lampetra planeri*
- European River Lamprey *Lampetra fluviatilis*
- Atlantic Salmon *Salmo salar*
- European Otter *Lutra lutra*

Solent Maritime SAC

The Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Estuaries (primary reason for selection)
- *Spartina* swards (*Spartinion maritimae*) (primary reason for selection)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (primary reason for selection)
- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- *Salicornia* and other annuals colonising mud and sand
- Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")

Solent Maritime SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Desmoulin's whorl snail *Vertigo moulinsiana*

The New Forest SAC

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex I habitats:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) (primary reason for selection)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea* (primary reason for selection)
- Northern Atlantic wet heaths with *Erica tetralix* (primary reason for selection)
- European dry heaths (primary reason for selection)
- *Molinia* meadows on calcareous, peaty or clayey-silt laden soils (*Molinion caeruleae*) (primary reason for selection)

- Depressions on peat substrates of the Rhynchosporion (primary reason for selection)
- Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion) (primary reason for selection)
- Asperulo-Fagetum beech forests (primary reason for selection)
- Old acidophilous oak woods with Quercus robur on sandy plains (primary reason for selection)
- Bog woodland (primary reason for selection)
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (primary reason for selection)
- Transition mires and quaking bogs
- Alkaline fens

The New Forest SAC qualifies under Article 3 of the Habitats Directive by supporting the following Annex II species:

- Southern Damselfly Coenagrion mercurial (primary reason for selection)
- Stag Beetle Lucanus cervus (primary reason for selection)
- Great Crested Newt Triturus cristatus

The New Forest SPA

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

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

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

- Hen Harrier Circus cyaneus

New Forest Ramsar Site

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS4	Housing Delivery
CS6	Housing Density
CS12	Accessible and Attractive Waterfront
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
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
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP19	Aerodrome and Technical Site Safeguarding and Airport Public Safety Zone
SDP22	Contaminated Land
SDP24	Advertisements
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
HE3	Listed Buildings
HE6	Archaeological Remains
CLT10	Public Waterfront and Hards
CLT11	Waterside Development
CLT12	Waterside Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

City Centre Action Plan - March 2015

AP 9	Housing supply
AP 12	Green infrastructure and open space
AP 13	Public open space in new developments
AP 15	Flood resilience
AP 16	Design
AP 17	Tall buildings
AP 18	Transport and movement
AP 19	Streets and Spaces
AP 26	Chapel Riverside

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)

Policy AP 26 Chapel Riverside

At Chapel Riverside, as defined on the Policies Map, a high quality landmark waterfront development will be supported. The development will be designed to integrate with links into the city centre and to promote a continuous public promenade and cycle way along the waterfront to the north and south. Within the development this promenade will include high quality waterfront public realm and 'active' frontages (e.g. restaurants, bars, etc). Wherever possible, the development should maintain strategic views across the site. Development will respect the site's archaeology and respect and enhance built heritage in line with policy CS 14. The development will include a mix of uses, which can include all or some of the following: leisure; food and drink uses; residential; office; hotel; marine employment; education / skills; small-scale retail (under 750 sq m gross) or retail development (A1) which meets policies CS 3 or AP 7. The development will provide public hards and for water sport activities Development will achieve an appropriate degree of safety in respect of flood risk; and provide a strategic shoreline defence within the site, as indicated on the Policies Map; in line with policy AP 15.

5.77 Chapel Riverside offers an exciting opportunity to create a waterfront destination on the River Itchen, to complement Ocean Village and to create public access to and along the riverside. Following the relocation of the city's household waste recycling centre and a small waste transfer station from Chapel Riverside to Dock Gate 20, the Council's aim is to promote a waterfront development

5.78 A 'landmark' development means creating high quality and distinctive buildings on this key approach to the city centre visible from across the water and the Itchen Bridge. The Characterisation Study identifies a number of strategic views from the Itchen Bridge across the site to the churches of St Michael's and St Mary's, and the Civic Centre Campanile (clock tower) which are protected in policy AP 16. A clear justification will be required if these views are proposed to be lost; which considers the scale of impact, and scheme viability (having applied reasonable commercial flexibility). The design should respect and enhance the setting of the American Wharf and Cross House listed buildings, and where feasible reflect the wider maritime history of the area.

5.79 The development will facilitate links to the heart of the city and Oxford Street; and the provision of a continuous public waterside walkway from Ocean Village, towards (in the future) the football stadium.

5.80 The area contains internationally-important archaeological and heritage assets. Development will be considered in the light of policy CS 14 and the NPPF.

5.81 The Southampton Water Activity Centre / public hard and Crosshouse public hard lie within the site and are important community facilities for water sports. Public hards and associated facilities should be retained or re-provided and integrated into the development to meet the needs of these users (including for local car parking).

5.82 In respect of retail development the site is in an 'out of centre' location. Any proposal with retail floorspace of 750 sq m or more will be considered against national retail and Core Strategy policy CS 3. Retail development which is still clearly of a scale and type to be directly ancillary to the wider proposal and / or meets neighbourhood needs will be supported, subject to considering these policies.

5.83 The site can include some office or small scale business uses, although given the overall aim of delivering a key waterfront site, this is not a requirement. Marine employment is an important sector in South Hampshire's economy. The site benefits from a waterside location and can create an opportunity to provide space for marine industries, provided waterside access is designed to protect the adjacent ecology designation. If the site is to be successfully developed for this use, it is possible other uses would need to be excluded. In this case the requirements for a mix of uses and a landmark will not apply. A public promenade should still be provided along the waterfront where possible.

5.84 In transport terms, the site enjoys a city centre location although is some distance from the main rail and bus interchanges. Proposals for a major destination facility on the site will require innovative solutions to link with these interchanges and, along with all uses, to reduce and manage the level and effects of road traffic, in line with policy AP 18.

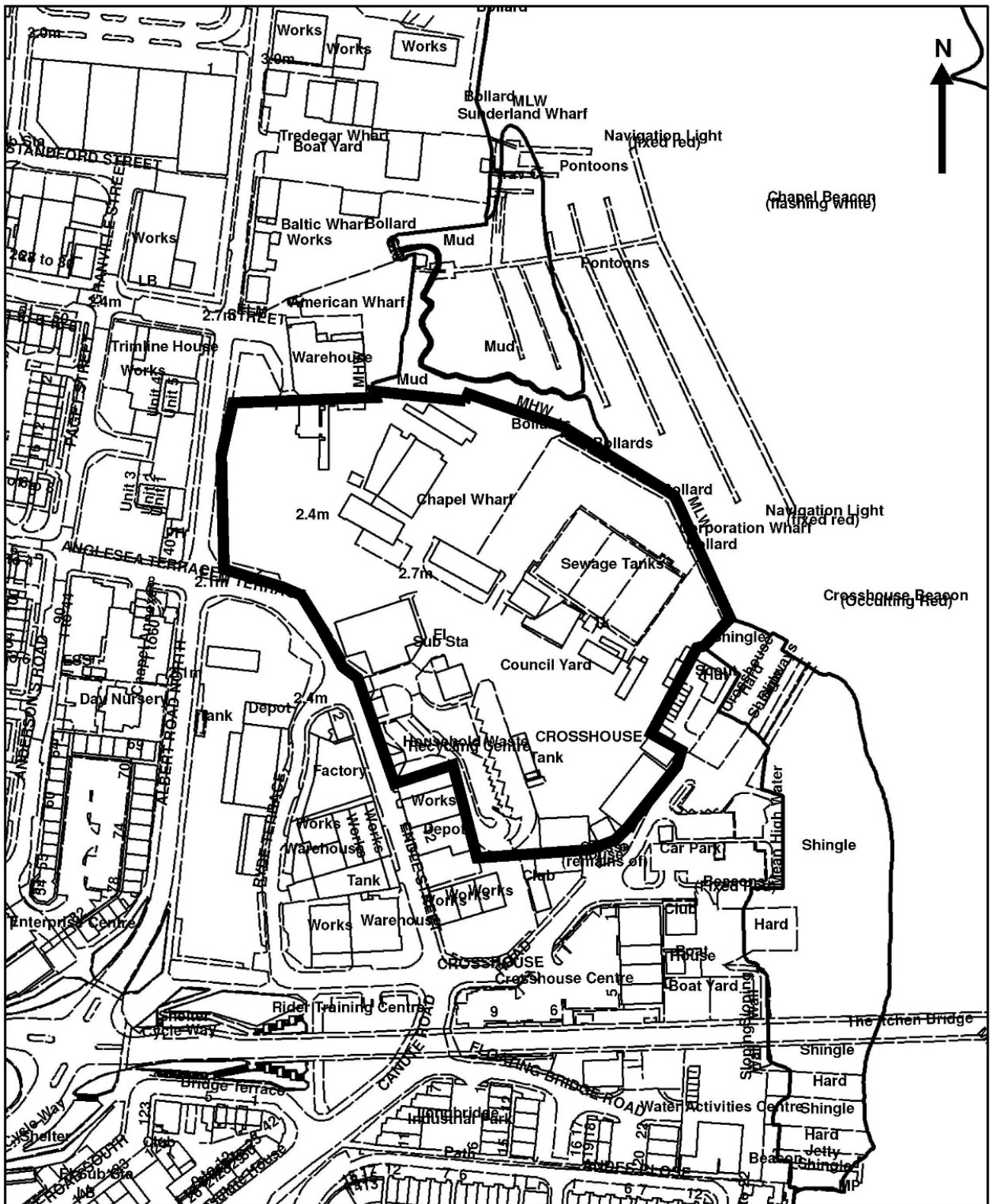
5.85 Policy AP 15 identifies solutions to resolve flood risk issues. These should be factored in to the planning, design and layout of the site at an early stage. This site is particularly low lying and may need to be raised to ensure that flood depths do not affect the structural soundness of development. This will be established through a flood risk assessment.

5.86 The Flood and Coastal Erosion Risk Management Strategy indicates that the strategic shoreline defence for the city should run through the site. Given that this area is subject to greater and more immediate flood risk, and the importance of creating strong public access to and along the waterfront, the defence will be provided with and integrated into the wider design of the development, in line with policy AP 15.

5.87 The site includes major storm overflow tanks. These form a part of the city's drainage infrastructure, and it is expected that they will need to remain. A continuous public promenade will be provided along the waterfront. The presence of the storm tanks may constrain the ability for some schemes to fully provide active frontages along all of this promenade, although this will need to be demonstrated. Development may need to be designed to mitigate odours from the tanks. Development will need to respect nearby ecology designations (for example in relation to any tall buildings, and recreational disturbance, and access to the waterfront for marine industries Core Strategy policy CS 22) and manage any site contamination (Local Plan Review policy SDP 22) (see paragraph 4.152 and Appendix 3).

5.88 Development can either occur on a comprehensive basis across the site or in phases on parts of the site. A proposal for partial development of the site will be accompanied by a master plan for the whole site to illustrate how it could join with future phases to be consistent with the comprehensive objectives for the site set out in this policy

16/02016/FUL



Scale: 1:2,500

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Agenda Item 6

Planning and Rights of Way Panel 14th March 2017 Planning Application Report of Service Lead – Infrastructure, Planning & Development

Application address: 69 - 73 Anglesea Road, Southampton			
Proposed development: Redevelopment of the site. Demolition of the existing buildings. Erection of a part two-storey and part three-storey building fronting Anglesea Road to provide 41 retirement flats with the erection of 16 dwellinghouses (including 6 bungalows) accessed from Stratton Road with associated access, parking and landscaping - Description amended after validation following changes to the proposed layout and the replacement of a flatted block of 20 flats with 12 houses			
Application number	15/02410/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	14.03.2016 Extension Agreed	Ward	Shirley
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Chaloner Cllr Kaur Cllr Coombes

Applicant: McCarthy & Stone Retirement Lifestyles Ltd.	Agent: The Planning Bureau Ltd.
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Recommendation Summary	<ol style="list-style-type: none"> 1. That the Panel confirm the Habitats Regulations Assessment (HRA) in Appendix 1 to this report; and 2. Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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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, as reported to the Planning & Rights of Way Panel on 14th March 2017 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-SDP12, SDP16, SDP22, NE4, HE1, HE6, CLT1, CLT3, CLT5, CLT7, H1-H3 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS4, CS6, CS10, CS13-CS16, CS18-CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the Council’s current list of Supplementary Planning Documents, including the Residential Design Guide (2006) and the National Planning Policy Framework (2012)

Appendix attached			
1	Habitats Regulations Assessment (HRA)	2	Development Plan Policies
3	Viability Assessment – DVS Findings		

Recommendation in Full

- 1) That the Panel confirm the Habitats Regulations Assessment (HRA) in **Appendix 1** to this report to enable the planning application to be determined; and then,
- 2) Delegate to the Service Lead – Planning, Infrastructure and Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - a. Either a s.278 agreement or financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site – including works to both Stratton Road and Anglesea Road to improve access, visibility and pedestrian safety (where necessary) - in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. 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 the adopted SPD relating to Planning Obligations (September 2013);
 - c. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - d. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - 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. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy, the Solent Disturbance Mitigation Project (SDMP) and the Conservation of Habitats and Species Regulations 2010 as set out in the attached Habitats Regulations Assessment;

- h. Parking permit restriction to prevent residents gaining permits for the nearby Controlled Parking Zone.
- 3) In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the Service Lead – Planning, Infrastructure and Development 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.
- 4) 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.

1.0 The site and its context

- 1.1 The application site incorporates the former Dairycrest depot and the residential properties located at no.69 - 73 Anglesea Road. The site is located to the south east of Anglesea Road and to the north west of Stratton Road.
- 1.2 The vacant Dairycrest depot site is covered with buildings and hardstanding, and is principally accessed from Stratton Road. In places development abuts residential neighbours. There was, at one time, an active access to the site from Anglesea Road however this has since been closed and was, until recently, permanently fenced off. The application site also incorporates 3 existing residential plots located at 69, 71 and 73 Anglesea Road. No.73 Anglesea Road currently comprises 4 residential flats whilst no.69 and no.71 Anglesea Road are both single dwellinghouses. These dwellings are currently occupied and are within the ownership of the applicant.
- 1.3 This site is located within a predominantly residential area. This part of Anglesea Road is characterised by large, predominantly 2 storey, detached dwellings set within spacious plots and set back from the road by large gardens and driveways. There are also a number of mature trees along Anglesea Road, including within the application site that are protected under the Southampton (Former Crest Dairy Site Anglesea Road) Tree Preservation Order 2014 and the Southampton (69 Anglesea Road) Tree Preservation Order 2016. There is a modern 3 storey flatted block located at 67 Anglesea Road (approved under ref. 03/01813/FUL) in addition to a part 2 / part 3 storey medical clinic located on the opposite side of Anglesea Road at no.72 – 74; known as the Freya Centre (approved under ref. 03/00424/FUL).
- 1.4 Stratton Road is characterised by more modest two storey residential dwellings arranged in terraced rows. A number of these properties have driveways whilst others are served by established parking courts. Stratton Road itself separates these existing residential dwellings from the application site. The site is bounded by a two storey ‘Sure Start’ community centre to the south; a palisade fence marks this boundary, and by the two storey ‘Shield and Dagger’ public house to the north. The site is located outside of the St James Road Conservation Area, which centres on the nearby park and Wordsworth Road and it would be correct to state that the application site forms part of the setting to this designated heritage asset.
- 1.5 Parking restrictions exist along Anglesea Road, however on road parking along Stratton Road and other neighbouring streets is unrestricted.

2.0 **Proposal**

- 2.1 The planning application was originally submitted in 2015 and has been amended following initial validation. It now comprises three separate parts that can be summarised as follows:
- 2.2 The first element of this scheme remains unchanged and relates to the construction of a 3 storey block of 41 retirement apartments. This block would front Anglesea Road and would have a hipped roof with a total height of approximately 12m (7.6m to the eaves) with two lower hipped sections measuring approximately 8m in height (4m to the eaves). The proposed flats within this block would comprise the following:
- Ground floor: 7 x 2 bedroom flats and 6 x 1 bedroom flats (total of 13).
 - First floor: 7 x 2 bedroom flats and 9 x 2 bedroom flats (total of 16).
 - Second floor: 8 x 2 bedroom flats and 4 x 1 bedroom flats (total of 12).
- 2.3 At ground floor level, a communal lounge, reception room, office, mobility scooter store and refuse store would be provided. There would also be a guest room at first floor level. 32 car parking spaces, with a further 3 visitor spaces, would be provided for this block, positioned to the rear. As is usual with McCarthy and Stone developments this block would be age restricted so that residents would need to be a minimum of 60 years of age and/or with a partner of 55 years of age or older.
- 2.4 Vehicular access to this block would be via a new entrance from Anglesea Road. This would be an 'access only' entrance with vehicles required to leave the site via Stratton Road only. 'Alligator teeth' would be positioned along the access road from Anglesea Road to prevent cars leaving this way thereby creating a one way system for vehicles. An amenity area for residents would be provided to the rear in addition to landscaping to the front and the side. The TPO trees are retained.
- 2.5 The second element of this scheme has been amended. As originally submitted the applicant's proposed the construction of a 3 storey block of 20 flats fronting Stratton Road. Following the receipt of amended plans the block of flats have now been replaced with a more traditional street pattern of terraced housing comprising:
- 8 x 2 bedroom two storey terraced houses
 - 2 x 3 bedroom two storey terraced houses
 - 2 x 2 bedroom bungalow
- 2.6 Each 2 bed dwelling would have access to a single parking space and the 3 bed units would have 2 spaces to the side of the property. 3 visitor parking spaces are proposed.
- 2.7 The third element of this scheme relates to the construction of pairs of semi-detached bungalows (4 in total). These would be positioned along the southern boundary of the site and would each have a hipped roofslope with side gables. The total height would be approximately 6m (2.2m to the eaves). These would be accessed from Stratton Road and each would have access to 2 private car parking spaces and a private rear garden. These bungalows are for the existing residents on site to enable them to relocate.
- 2.8 One existing sub-station would be retained and 2 new sub stations would be

provided on site. It is likely that this development will be phased as the bungalows are needed before the sheltered housing can be constructed. The residential terraces will then follow and a phasing plan is to be secured with a planning condition.

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

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

4.0 Relevant Planning History

4.1 No objection was raised to application ref.16/00060/DPA for the proposed demolition of no.69, 71 and 73 Anglesea Road and the former Dairycrest depot. The detailed planning history for the Dairycrest operation is not relevant in the determination of this case.

5.0 Consultation Responses and Notification Representations

5.1 In accordance with current good practice the applicants arranged their own pre-application public consultation event on Monday 16th November 2015.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (01.01.16) and erecting a site notice (22.12.15). **7 representations** were received from surrounding residents (6 objecting and 1 supporting) to this initial notification. Following the receipt of amended plans and a full re-notification (including a fresh site notice dated 10.01.17) a further letter of support has been received, albeit from the same neighbour that previously found the scheme to be acceptable. The following is a summary of the points raised:

5.3 **The proposed scheme would be harmful to the character and appearance of the St James' Road Conservation Area. Specifically, this relates to the proposed height, style and building materials which are out of character with this neighbouring Conservation Area. At 3 storeys in height, the proposed buildings, would be taller than the two storey buildings within the surrounding area. It would therefore, be visible over the rooftops from vantage points in Wordsworth Road, Church Street, St James' Road, Winchester Road and St James' Park, all of which fall within the**

Conservation Area.

5.4 Officer Response

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Local and national policy and guidance expands upon the legislation and seeks to secure appropriate development. In this regard, the City Council's Heritage Group Leader has been consulted on this scheme and has advised that the impact of the proposed scheme on the St James' Road Conservation Area could successfully be mitigated through adequate landscaping and the use of building materials appropriate for this location. Verified Visual Montages (VVMs) have been submitted by the applicant to enable a full assessment of the proposed scheme in relation to the conservation area. When looking towards the site from the conservation area it is only the roof slopes of the proposed three storey buildings which would be visible and, following the scheme's amendment, the Stratton Road block has now been replaced with terraced housing thereby improving the relationship between the proposed development and its neighbouring conservation area. The removal of the existing redundant buildings, particularly along Stratton Road, will also result in betterment to the setting of the conservation area.

5.5 The site should be assessed for its archaeological potential before any works commence.

5.6 Officer Response

Planning conditions requiring archaeological works to be undertaken prior to the commencement of works on site have been imposed.

5.7 The proposed scheme would result in an unacceptable increase in parking pressure on the surrounding roads in terms of increased traffic and an increased number of cars parking in the area. This would pose a highways safety risk, particularly with regards to Wordsworth School.

5.8 Officer Response

The City Council's Highways Team have been consulted on the scheme and have confirmed that they're satisfied with parking numbers and suggest that the scheme would not be harmful to highway safety on the surrounding residential roads. Further consideration of the parking provision is given in the Planning Considerations section of this report.

5.9 There are safety concerns for children of Wordsworth Primary School (raised by the school itself) which backs onto the application site. This relates to both construction traffic accessing the site and workmen working on site during construction. The site boundary needs to be secure so that children cannot access the site during construction.

5.10 Officer Response

The application site does not share a common boundary with Wordsworth School as an existing development, including a Sure Start Community Centre, and its parking forms a buffer. A 'Construction Management Plan' would be required by planning condition to secure details of how the site will be operated during the construction phase and shall include lorry routing. The developers will want to secure their site during the construction phase in any event.

5.11 **The proposed electricity sub-station will create noise nuisance for occupiers of neighbouring residential units, particularly those residing at no.67 Anglesea Road.**

5.12 Officer Response

One of the 3 sub stations is existing. The City Council's Environmental Health Team have been consulted on this scheme and have not raised an objection with regards to the proposed sub-stations and, as such, this should not form a substantive reason for refusal.

5.13 The neighbour in support of the application comments that the vacant site containing a number of derelict buildings is in need of redevelopment. This scheme would establish a form of development which is acceptable in this highly accessible location. The site would be well landscaped and the standard of living accommodation proposed would be of a high standard. The scheme would significantly improve the outlook and access to light for the flats within no.67 Anglesea Road which currently face a vacant warehouse building. The proposed scheme would improve visibility for the access to the car park serving no.67 Anglesea Road. The provision of two separate entrances to the site is welcomed. Having two entrances would limit the amount of traffic accessing the site via Stratton Road, resulting in a more even distribution.

Consultation Responses

5.14 **SCC Highways** - No objection subject to conditions and S106.

Initially commented that the provision of an 'access only' entrance from Anglesea Road, with egress to the rear onto Stratton Road is acceptable. The following matters do however, need to be secured by planning conditions:

a) 'Build outs' along Anglesea Road.

b) Refuse management plan.

c) Details of cycle storage for staff and visitors to the retirement block.

d) Details of cycle storage for residents of the Stratton Road block and the bungalows. This should include details of the cycle storage systems to be used and of the proposed door locking system.

e) New accesses shall be constructed in accordance with Balfour Beatty's heavy duty footway crossing detail, and be implemented under a licence from Balfour Beatty.

f) All redundant dropped crossings around the site perimeter shall be reinstated as full height kerbs and the footways shall be reconstructed to suit the new levels, all done under a licence from Balfour Beatty.

5.15 In response to the amended layout it is considered that the proposal fronts Stratton Road with driveways for houses, the footway on Stratton Road will need to be reconstructed to accommodate these accesses, and the developer will be required to provide a footpath along this frontage of a minimum width of 2m (*now as shown*). It will also be necessary for the developer to relocate the traffic calming island to allow free movement of some driveways (*now as shown*).

5.16 There is a redundant dropped crossing which coincides with the end driveway on Stratton Road, and the road alignment changes at this point, this will need to be amended to suit the new driveway and the kerb alignment rerouted to suit, the parking space as shown may be encroaching onto public highway at the change

in alignment (*now as shown*).

- 5.17 The visitor parking bays shall be a minimum of 6m long and include splayed ends, and the bin collection point for the two remote houses shall be at the forward end of the parking bay, not beyond it, so clear visibility of the bins can be made from the main route through the site. The roads and footway shall be constructed to an adoptable standard.
- 5.18 **SCC Ecology** – No objection subject to conditions.
The application site consists of a former milk distribution depot and three houses with gardens located on Anglesea Road. Habitats present include buildings, hard standing, amenity grassland, trees, shrubs and ruderal vegetation.
- 5.19 A phase 1 ecology report accompanying the application confirmed that the habitats present are of low ecological value but with potential to support roosting and foraging bats and nesting birds. A detailed phase 2 bat activity survey report was also provided. This indicated that there were no bat roosts present in any of the buildings or trees and only low levels of activity across the site. Species recorded included three species, common Pipistrelle, *Pipistrellus Pipistrellus*, Soprano Pipistrelle, *Pipistrellus Pygmaeus*, and Noctule, *Nyctalus Noctula*, commuting over the site and one, common Pipistrelle, foraging on site.
- 5.20 The survey confirmed the presence of habitat suitable for nesting birds within the gardens of 69-71 Anglesea Road. All nesting birds, their nests, eggs and dependent young 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 must be delayed until after the chicks have fledged.
- 5.21 As a residential development there is likely to be a need to mitigate recreational impacts upon European and internationally designated sites along the Solent coastline and in the New Forest. Impacts on the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site are being addressed through the Solent Recreation Mitigation Project's (SRMP) Interim Scheme of Mitigation. The developer has the option of paying the SRMP contribution, which currently stands at £176 per dwelling or providing bespoke mitigation measures. A standard scheme of mitigation similar to the SRMP is not currently available to mitigate impacts on the New Forest SPA and Ramar site and bespoke mitigation measures will therefore be required. Information regarding potential impacts and mitigation measures will need to be provided to the Local Planning Authority to enable a Habitats Regulations Assessment to be undertaken.
- 5.22 The proposed development will result in a significant increase in the extent of landscaping on the site. The submitted Green Space Factor score indicates that this will double from the current 0.09 to 0.2. The proposed landscaping scheme includes a variety of herbaceous, shrub and tree species of which approximately 50% are included on the Royal Horticultural Society's 'Perfect for Pollinators' list. This vegetation will provide a range of foraging and nesting habitat for local wildlife and result in a net improvement on the current situation.
- 5.23 The bat survey recommends the inclusion of three bats boxes which I support. I

would also like to see some bird boxes, specifically swift boxes and sparrow terraces, to be included within the development.

- 5.24 Japanese knotweed, *Fallopia japonica*, was identified on site. This species is listed on schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which means that it is an offence to release it into the wild or to allow its spread. Japanese knotweed is also classed as Controlled Waste under the Environmental Protection Act 1990. An appropriate methodology setting out how the Japanese knotweed will be dealt with will need to be secured through a planning condition.
- 5.25 Apart from potential impacts upon European sites, which will need to be addressed before planning permission can be granted, I am of the view that the development will result in a net improvement for local biodiversity and have no objection.
- 5.26 **SCC Sustainability** – No objection subject to conditions.
- 5.27 **SCC Environmental Health (Pollution & Safety)** - No objection.
The report for the transformers is satisfactory.
- 5.28 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions. This department considers the proposed land use as being sensitive to the effects of land contamination. Records maintained by SCC - Regulatory Services indicate that the subject site is located on/adjacent to the following existing and historical land uses;
- Milk Depot.
- These land uses are associated with potential land contamination hazards. There is the potential for these off-site hazards to migrate from source and present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with Para 121 of the National Planning Policy Framework - March 2012 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend that the site be assessed for land contamination risks and, where appropriate, remediated to ensure the long term safety of the site.
- 5.29 **SCC Flood Risk** – No objection subject to conditions.
The principles outlined in the submitted Drainage Strategy provide a marked improvement on the existing situation and are considered to be acceptable (that is, limiting the peak runoff rate from the site to 5 l/s through the provision of underground attenuation on site and a reduction in volume of runoff through a proposed reduction in impermeable area on the site through the redevelopment). However, the drainage strategy states that the outlined surface water drainage scheme is only provisional as further site investigation works are required to fully determine if infiltration is (or is not) suitable. If infiltration is found to be suitable on site and some (or all) of the surface water runoff will be discharged through this method, the following information will need to be provided as part of the discharge of condition application to demonstrate that it is appropriate:
- Confirmation that the infiltration tests have been undertaken at the required location, depth and with a head of water that replicates the proposed design;
 - Confirmation of the measures which are necessary to prevent construction

- activities (especially compaction) changing the infiltration characteristics;
- Confirmation that the test infiltration capacity is likely to be representative of the wider ground mass;
- Confirmation that evidence has been provided of seasonal variations in groundwater levels;
- Confirmation that the maximum likely groundwater levels are >1m below the base of the infiltration devices;
- Confirmation that an assessment has been undertaken to assess the potential effect of infiltration on groundwater levels local to any infiltration component and the potential wider impact of multiple infiltration components within the site, with respect to groundwater flood risk;
- Confirmation that an assessment has been undertaken of the risk of springs developing in layered geology/steep topography as a result of the proposed infiltration.

Given that the surface water drainage scheme could change following further ground investigation work a pre-commencement condition should be applied.

- 5.30 **SCC Heritage Conservation** – No objection following additional information
The applicant has supplied a comprehensive Built Heritage Statement which, while I disagree strongly with the conclusions in 2.2 of the document, sets out the main issues regarding the impact of the proposals on the St James Conservation Area. The loss of No 73 Anglesea Road is regretted, however this can in part be mitigated through a programme of recording of the building, and a planning condition is suggested.
- 5.31 It is unclear what impact the 'later living' apartments will have on the setting of the Conservation Area. They will certainly be visible from some parts, but no views or analysis have been submitted to support the assertions contained in the Built Heritage Statement. While the building is described as three-story, this does not take into account the substantial pitched roof. The visibility (or otherwise) of this building should be established and if necessary mitigated through planting and / or the use of appropriate materials. Similarly the affordable housing element, which will impact on the setting of the Conservation Area, has not been adequately considered. Again, mitigation through appropriate use of materials (red brick rather than yellow stock, and conservations of the roofing materials) would be appropriate. The VVMs indicate that the impact of the scheme could largely be mitigated through planting of semi-mature species.
- 5.32 The assertion that 'the Local Planning Authority would not require any further archaeological investigation to be undertaken' is not supported by evidence, and the site should be subject to a programme of archaeological evaluation once the demolition of the existing buildings down to floor slab level has been completed.
- 5.33 **SCC Trees** – No objection subject to conditions.
- 5.34 **SCC Children Services** - No objection subject to acceptable boundary treatment
We query about the nature of the boundary between the Ashby centre and the proposed bungalows. The Ashby Centre has a children's play area at its' front which has a boundary with the Dairy. This boundary needs to be secure to meet Ofsted requirements. The current boundary is a fence of about ten feet high and should be ideally replaced with a wall of similar height.
- 5.35 **Southern Water** – No objections subject to conditions and informatives.

5.36 **Natural England - Objection**

Natural England notes that the applicant has provided further information in the form of an 'Amenity and Recreation Statement' which aims to assess the ecological impact of the operational phase of the development on the New Forest sites. The statement suggests that that your authority would be able to rule out the likelihood of significant effects arising from the proposal due to the mitigation measures proposed in section 5.6.

5.37 On the basis of the information provided, it is the advice of Natural England that it is not possible to conclude that the proposal is unlikely to result in significant effects on the European sites in question.

5.38 Natural England advises that the statement currently does not provide enough information and/or certainty to justify its conclusion and that your authority should not grant planning permission at this stage. Where there is a likelihood of significant effects, or there are uncertainties, a competent authority should undertake Appropriate Assessment, in order to assess the implications of the proposal in view of the conservation objectives for the European wildlife site(s) in question. Natural England therefore advises that an Appropriate Assessment should now be undertaken, and the following information is provided to assist you with that assessment.

- Given the minimum age of occupants given in the statement we would not be able to rule out likely significant effect.
- Due to the inability to enforce pet covenants they cannot be accepted as avoidance and mitigation.
- Information/welcome packs alone are not acceptable as mitigation.
- All of the appeal statements provided in the statement relating to Thames Basin Heaths (TBH) are irrelevant. They are all dated before a strategic TBH solution was formed, even before the Examination of the South East Plan technical discussions. Ever since the NRM6 Policy and TBH Delivery Framework of 2009, all nursing facilities have followed the approach we are advocating below.
- Moving forward as a solution, we suggest that the applicant either limits the development to C2 limited mobility, or limits the age to a higher age bracket (say 80 years plus). In addition we would require the removal of car parking facilities, other than for visitors and the application of a no pets covenant.
- An alternative solution would be a financial contribution to enhancements on local green space. The statement already identifies a number of local green spaces in close proximity to the development site, so the applicant could work with the local authority in identifying enhancement measures that could be made to make those sites more useable

5.39 Officer Response

*An attempt to overcome this objection has been made as outlined within the attached Habitats Regulations Assessment at **Appendix 1**. Provided that the development is carried out in accordance with this document, it is considered that it would not have an unacceptable impact on the New Forest sites and the s.106 contribution towards the Solent Waters also mitigates the scheme's direct impacts upon local Special Protection Areas. The Panel will note that a significant CIL contribution will be made by this development and the Council ring-fences part of these monies for direct mitigation to encourage people to stay locally for recreation, such as dog walking, rather than visit the New Forest. Whilst Natural*

England have not removed their objection the HRA is considered to offer a robust response that enables the Panel to then determine the planning application on its own merits.

5.40 **SCC Housing** – Concerns raised.

The consultation response highlights the policy requirement of 35% of all new dwellings to be 'affordable'. Of 8,919 applicants on the Housing Register in November 2015, 5,238 are registered for 1 bedroom accommodation and 1,561 for 2 bedroom accommodation. In terms of shared ownership applicants for Southampton, 42% are in the 18-29 age group, 34% in the 30-39 age group and 15% are aged 40-49. These figures are correct as at 1st Oct 2015. A reduced affordable housing contribution limits the Council's ability to support this need.

5.41 Housing Delivery and Renewal colleagues continue to have residual concerns regarding some aspects of the applicant's viability submission and subsequent assessment by the DVS, which stem from the fact that this is a comparatively unusual and more complicated scenario than is normally the case. In particular, it seems that the scheme might potentially be capable of supporting more affordable housing than has currently been assessed if the background behind certain financial assumptions are explored in more detail, such as the implications of the of the land valuation and preferred build programme as submitted by the applicant and accepted by the DVS. As it would not seem appropriate to debate the detail of this before Panel, it is respectfully requested that Panel consider making any granting of consent subject to further investigations as suggested above

5.42 Officer Response

*In terms of the 57 dwellings there is an expectation that 18 affordable dwellings (35% of the 51 net gain) will be provided on site. The scheme has evolved since its validation in 2015 and where initially 20 affordable flats were proposed (on the larger scheme of 65 dwellings). The applicants have amended their scheme to provide houses rather than flats and have supported this change with a viability appraisal that indicates that the scheme is no longer viable if the Policy maximum is sustained. Policy CS15 suggests that 'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)'. The applicants have submitted a detailed viability appraisal of their scheme. It concludes that nil affordable housing can be supported by this scheme. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of the DVS report is appended to this report at **Appendix 3**. Further discussion on this issue is provided in the 'Planning Considerations' of this report, and an update of any further discussions with DVS will be reported at the meeting*

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) Loss of Family Housing;
- c) Design incorporating heritage issues;
- d) Highways safety and Parking;

- e) The quality of the residential environment proposed;
- f) The impact in terms of residential amenity; and,
- g) The direct local impacts and viability including on protected habitats.

6.2 Principle of Development

- 6.2.1 Paragraph 48 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. Adopted LDF Core Strategy Policy CS4 states that 'an additional 16,300 homes will be provided within the City of Southampton between 2006 and 2026'. It is within this policy context the proposed development should be considered. Furthermore, this site is allocated for housing development under saved policy H1 of the adopted Amended Local Plan Review (March 2015). Annex 6 of this document estimates that approximately 60 dwellings could be accommodated on this site. The proposed construction of 57 dwellings is compliant with this policy.
- 6.2.2 Saved policy H3 (Special Housing Need) advises that 'residential development will be expected to be capable of being adapted to conform with 'lifetime homes' principles wherever practicable'. The explanatory text for this policy advises that 'older people are looking increasingly for a wider choice of housing and residential support'. In addition to the private market housing this scheme would provide 41 retirement apartments aimed at the over 60s who wish to downsize and benefit from residential accommodation which also provides an element of care and support. Paragraph 7.17 of the Local Plan Review advises that: 'it is estimated that up to a third of households contain somebody who has a special need. The building regulations (document M) state that provisions are expected to enable occupants with disabilities to cope better with reducing mobility and to remain for a longer period within their own homes. The City Council wishes to improve the ratio of properties which are capable of accommodating adaptations easily, meeting the varying needs of occupiers under the 'Lifetime homes' principle'. This scheme would therefore, contribute to the provision of specialist housing within the city, and in combination with the private market housing would also offer a mix of accommodation to residents thereby assisting in retaining/promoting a 'mixed and balanced community' as required by the NPPF (see paragraph 50 for instance).
- 6.2.3 This site is located within Band 3 of the Core Strategy Public Transport Accessibility Levels (PTAL) map for Southampton. Core Strategy policy CS5 states that within this location residential density levels of 50–100 dwellings per hectare will be considered acceptable. With a site area of approximately 0.86ha, the proposed creation of 57 dwellings on site would result in a density of 66 dph. This is within the recommended levels and would, therefore, be considered appropriate in this location. This site is of a sufficient size to accommodate the proposed development.
- 6.2.4 This scheme would remove a non-conforming use within a predominantly residential area, would provide much needed housing on a site which has been identified for housing development by the City of Southampton Local Plan Review. The number of units proposed is in keeping with the number of dwellings identified by saved policy H3, and the site is considered to be an appropriate location for high(er) density development due to its moderate accessibility levels. Furthermore, the provision of retirement housing in this location would meet the

needs of an ageing population. Having regard to the policies, discussed above, this scheme is considered to be acceptable in principle.

6.3 Loss of Family Housing

6.3.1 LDF Core Strategy Policy CS16 seeks to secure a mix of housing types and more sustainable and balanced communities. The policy seeks 'a target' of 30% of all dwellings as family homes (defined as having 3 bedrooms and a private garden) on sites of 10 or more and also no net loss of existing stock. In this case there are 2 existing 3 bed dwellings that are to be demolished to make way for the retirement block. These dwellings are re-provided along Stratton Road. Policy CS16 confirms that the requirements do not apply to specialist housing comprised of accommodation specifically for senior citizens or supported accommodation for people with disabilities. As such, it is reasonable to conclude that it is not necessary for the 41 retirement flats to provide any 3 bed units.

6.3.2 The remaining dwellings accessed from Stratton Road should be guided by this policy and whilst 2 no.3 bed units are provided to mitigate the loss along Anglesea Road, the remainder are made up of 2 bedroom accommodation. Of the remaining 14 no.2 bed dwellings proposed a further 4 should, strictly, provide a third bedroom. In these circumstances, given the good overall mix of accommodation, the fact that the retirement scheme could free up family housing elsewhere in the City as residents 'downsize', and the reduced viability of the scheme without further amendments, it is considered that the scheme is acceptable when assessed against the underlying principles behind Policy CS16.

6.4 Design and Heritage

6.4.1 There are two parts to the scheme comprising a flatted block to the northern part of the site, and a more traditional terraced street pattern to the south. The latter relates more to the nearby conservation area.

6.4.2 The application needs to be assessed against current local and national planning policy and guidance. Paragraph 56 of the NPPF advises that the 'Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. With regards to heritage, paragraph 129 of the NPPF adds that 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)'.

6.4.3 Core Strategy policy CS13 states that development should 'respond positively and integrate with its local surroundings, character and architectural vernacular without being a pastiche of the past'. Core Strategy policy CS14 states that 'the Council will safeguard from inappropriate development and, where appropriate, enhance important historical assets and their settings and the character of areas of acknowledged importance including Listed Buildings, Conservation Areas, sites of archaeological importance and their setting and parks and gardens of special historical interest'.

- 6.4.4 Saved policy H7 of the City of Southampton Local Plan Review 2010 states that 'planning permission will only be granted for residential development provided that the highest standards of quality and design are applied, in particular: (iv) That, where development abuts, or is closely related to a conservation area, statutorily or locally listed buildings, new build should complement or enhance their character, and respect their surroundings'. Paragraph 3.5.1 of the Residential Design Guide (RDG) supports the Development Plan and adds that 'each local neighbourhood should have its own visual character and identity that relates to its local district centre but also makes it unique and distinguishable from the next local neighbourhood'. Paragraph 3.7.7 of the RDG continues by advising that 'new infill development, part way along streets should complement the existing pattern of development in the rest of the street'.
- 6.4.5 The application site is positioned between Anglesea Road and Stratton Road. At present, it isn't overly visible from Anglesea Road as it is screened by the existing properties in this location; including no.69, 71 and 73 Anglesea Road, which are to be demolished as a result of this application. The vacant and derelict Dairycrest buildings are, however, highly visible from Stratton Road, positioned behind palisade fencing. This is at odds with what is a predominantly residential area. The removal of these employment buildings will enhance the character of the area and the setting to the conservation area.
- 6.4.6 i) Anglesea Road frontage
Anglesea Road comprises predominantly two storey, detached dwellinghouses set within spacious plots. Properties along the Anglesea Road frontage are set back from the road behind front gardens and driveways and there are a number of mature trees lining the street frontage. There is a degree of variation with regards to the character of properties along this road. A mix of materials and features are present within the vicinity of the site and include buff brick, red brick, roof slates, clay pantiles, render, timber sliding sash windows, UPVC windows projecting bays, decorative gables and chimneys. There are also a number of more modern additions in the vicinity of the site. Notably, there is a 3 storey flatted block at 67 Anglesea Road which was permitted in 2003 (LPA ref: 03/01813/FUL). This property is constructed using buff brick with an asymmetric roof form. Furthermore, the 3 storey Freya Centre on the opposite side of the road has a more modern appearance and is constructed using timber cladding and buff brick. This property also has an unusual curved roof form and is of a more modern style.
- 6.4.7 To each side, the building would step down to a lower hipped section measuring approximately 8m in height (4m to the eaves), effectively breaking up the overall mass of the proposed block. To the front, design features including two storey projecting bays, decorative gables, balconies and the use of alternating brick would also break up the overall bulk of the building. Furthermore, retaining an adequate set back of approximately 9m from the front boundary of the site in keeping with neighbouring development, the retention of existing mature trees along the Anglesea Road frontage and the addition of further planting to the front of the property would soften the overall impact of the 3 storey building on the wider streetscene.
- 6.4.8 Paragraph 6.3.8 of the RDG advises that 'the height of new development should relate to the height of existing development in the street and also the width across the street'. Paragraph 6.3.9 adds that 'the degree of enclosure of a street by the elevations of development, boundary treatment and landscape features such as trees and hedges, contribute to the character of a street'. At 3 storeys in height,

the proposed retirement block fronting Anglesea Road would be taller than the predominant building height (2 storeys) which characterises this part of Anglesea Road. Taller buildings of 3 storeys have, however, already been established in this location (at no.67 and no.68-78 Anglesea Road). Furthermore, a number of features which have been incorporated into the design of this block would effectively minimise the overall scale and bulk of this element of the scheme, ensuring that a building of the proposed height would be an appropriate addition in this location. The Council's Heritage and Design officers have been involved in the scheme since the pre-application submission and are supportive of the chosen design and layout of the retirement block.

6.4.9 ii) Stratton Road frontage

Stratton Road is characterised by more modest two storey residential dwellings arranged in terraced rows. The existing properties in this location are more limited in terms of design and character. It is the blank side elevations of these properties and the communal parking courts which address the main street frontage in this location. Stratton Road itself separates these existing residential dwellings from the application site. To the south, the site is bounded by a 2 storey Sure Start community centre, set back from the road by a large car park. To the north, the Shield and Dagger public house bounds the site. The vacant buildings on the Dairycrest site are highly visible in this location, detracting from the overall appearance of the wider streetscene, detrimental to the character of this predominantly residential area.

6.4.10 Following the submission of amended plans, and the replacement of a three storey flatted block with two storey terraced housing the proposed Stratton Road frontage is considered to be appropriate. Furthermore, the proposed housing would replace a series of vacant buildings which have fallen into a state of disrepair, bringing the site back into effective use. It would establish a pattern of development which would be appropriate in relation to the surrounding area, whilst introducing additional activity to the streetscene.

6.4.11 It is the side elevations of the bungalows which would front Stratton Road. These would be positioned adjacent to the southern boundary of the site, between the existing Sure Start Centre and the proposed terraced housing. Positioning the bungalows in this way would replicate the established pattern of development on the opposite side of the road where side elevations of existing residential development front Stratton Road. The proposed bungalows would be relatively modest in scale and would, therefore, have a limited impact on the wider streetscene when compared to the existing buildings.

6.4.12 iii) External Spaces and Landscaping

Paragraph 3.11.1 of the RDG advises that the treatment of boundaries fronting the street will be in keeping with the treatment of other boundaries along the street'. Paragraph 2.11.2 adds that 'front boundary treatments should be robust and fit for purpose. Proposals might include hard landscape features such as walls or soft landscape features such as hedges. The detailed design, materials and colours should be consistent with the predominant positive characteristics of existing boundaries in the street. The use of dwarf walls with pillars, with or without railings or vertical bar galvanised steel railings and pedestrian entrance gates are encouraged where there is a strong precedent'. Boundary treatments along Anglesea Road are currently relatively low in height and comprise a mixture of boundary walls, fences, railings and vegetation. A number of front boundaries

have been removed to facilitate the creation of off road parking areas for vehicles. The proposed boundary treatment along Anglesea Road would comprise low level railings and planting, retaining the open feel which characterises this residential road. Boundary treatments along Stratton Road are more limited however where they are present, they also comprise low level walls, fences and planting.

- 6.4.13 Paragraph 4.3.1 of the RDG advises that 'an appropriate balance of high quality amenity space (both public and private) and streets to connect them should be provided'. Paragraph 4.3.2 adds that an 'attractive and well-designed environment 'lifts the spirits' promoting good mental and physical health. Careful consideration should be given to the quality, amount and siting of land allocated for access roads and car parking so that land used for public and private amenity e.g. gardens and play space, can be maximised'. A comprehensive planting scheme comprising a network of ornamental and amenity planting would be implemented for all elements of the scheme. This would significantly improve the site which, with the exception of the existing residential gardens, comprises buildings and hardstanding only. It would provide a pleasant residential environment. The orientation of residential dwellings and the installation of low boundary treatments throughout the site would ensure that all routes would be overlooked and safe for use by both pedestrians and vehicles. A public pedestrian route through the site to enhance connectivity between Anglesea Road and Stratton Road was sought however it was not possible to secure this. As such, the site is effectively, divided into two distinct halves, one for the retirement block and one for the remaining units. A private link between the two is, however, provided and this will allow controlled access through the site for residents of the flatted block.
- 6.4.14 iv) Heritage Impacts
The application site is located adjacent to the boundary of the St James' Road Conservation Area. As such, special attention shall be paid to the desirability and enhancing the character appearance of Conservation Areas in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4.15 The closest part of the St James' Conservation Area is located along Didcot Road, to the north of the application site. It is therefore, the terraced housing fronting Stratton Road which is likely to have the greatest impact on this designated heritage asset. Properties within the conservation area are predominantly red brick terraced dwellinghouses or individual detached properties comprising yellow brick or render. Originally, slate roofs were the predominant roofing material however concrete tile replacements have unfortunately, become commonplace within the area. Notwithstanding the details received at this stage, a suitably worded planning condition will be imposed to secure further details of building materials to assess their suitability in relation to both the wider streetscene and the conservation area but the change from a three storey block to two storey housing improves the site's relationship to the nearby conservation area..
- 6.4.16 In order to fully assess the impact of the proposed scheme on views into and out of the St James' Road Conservation Area, the City Council's Heritage Group Leader requested verified visual montages (VVMs). These were provided by the applicant and are useful in assisting with a full consideration of the scheme's impact. Following a review of these documents, it is considered that the proposed development will not have a significant impact on the conservation area. When looking towards the site from the conservation area, the roof of the proposed retirement block fronting Anglesea Road will be visible above the roofslopes of

existing residential development within Didcot Road and Newbury Road. However, it is considered that this would not have a significant adverse impact on the character or appearance of the conservation area. In fact, the removal of the existing vacant buildings on the site is considered to be a significant improvement which would bring a vacant brownfield site back into effective use thereby enhancing the setting to the conservation area.

6.5 Highways Safety, Parking and Refuse Management

- 6.5.1 The proposed vehicular access to the site from Anglesea Road has been revised following negotiation during the lifetime of this application. Initially, permission was sought to establish a new access / egress point on Anglesea Road to serve the retirement block only. Concern was, however, raised by the City Council's Highways Team regarding the safety of the proposed access / egress point and the ability for safe servicing of the development. Specifically, this related to the potential hazard which would arise due to additional vehicles entering Anglesea Road from the site. Anglesea Road is a very busy road with cars frequently parking on both sides. As a result, it is difficult for two vehicles to travel along Anglesea Road at one time.
- 6.5.2 The proposed retirement block would benefit from an 'access only' entrance from Anglesea Road. The installation of 'alligator teeth' and a no entry sign along the access road would prevent vehicles leaving the site via Anglesea Road. Vehicles would instead, be required to pass through a secure gate in the centre of the site in order to exit the site via the proposed access on Stratton Road. This would address the previous concerns raised by the Highways Team regarding highway safety along Anglesea Road. The provision of 2 'build outs' adjacent to the new entrance on Anglesea Road would ensure that this access would benefit from good levels of visibility as cars would not be able to park adjacent to this entrance. As such, vehicles would be able to enter the site in a safe manner at all times.
- 6.5.3 The proposed terraced housing fronting Stratton Road, and the proposed bungalows, would be accessed via a new access off Stratton Road. Occupiers of these proposed units would be required to access and leave the site via this entrance. They would not be able to use the access from Anglesea Road. The City Council's Highways Team have confirmed that they are satisfied that the proposed access and egress arrangements will be acceptable in terms of highways safety.
- 6.5.4 The Parking Standards SPD (2011) sets out parking requirements for new residential development within the city. The 2011 Census data for Shirley confirms that 26.6% (slightly below Southampton as a whole) of households in the ward did not have access to a car and 45.3% (slightly above Southampton as a whole) of households have access to only 1 car. Adequate parking, in accordance with the SPD would be provided for both the Stratton Road houses (at 1 space per 2 bed and 2 spaces per 3 bed dwelling) and the bungalows (at 2 spaces per dwelling). A total of 22 spaces (with a further 3 visitor spaces) are provided for the private dwellings compared with the maximum standard of 32 (applying the Council's current maximum standard of 2 spaces per 2/3 bedrooms).
- 6.5.5 The proposed sheltered accommodation would also be below the maximum requirements of the Parking SPD for this type of accommodation, providing a total of 32 spaces (with a further 3 visitor spaces) when a maximum parking

requirement of 41 spaces (for 'sheltered housing') applies. The Council does not, however, have a specific parking standard for 'retirement accommodation'. The SPD includes 'nursing homes' which is 25% parking provision. Highways officers advise that the retirement accommodation offered by McCarthy and Stone fits between this and 'sheltered housing' (at 1 space per flat). Providers of accommodation for the retired have advised that car ownership levels do decrease once people move into this type of accommodation as they find they do not need their cars as generally they are located conveniently for local facilities, and often there are group outings. After 12 months of living in this type of accommodation the providers advise that car ownership will have dropped significantly below 50%.

- 6.5.6 It is the opinion of officers that the car parking provided for the flatted block is sufficient, whilst recognising concerns locally that the development may lead to overspill parking into Anglesea Road compounded by the loss of existing on-street parking to accommodate the new build out and access. On this point the applicant's Transport Statement concludes that 'it is acknowledged that the implementation of parking restrictions would have an impact on the existing parking stock on Anglesea Road, though as previously mentioned it is anticipated that a large proportion of these cars can be attributed to local business in the area, and can be considered inappropriate due to the adequate parking provision located within the Shirley High Street area... The results of the snapshot parking surveys suggest that a significant proportion of the parking demand on this section of Anglesea Road is related to the shops and services on Shirley High Street with resident parking likely to make up approximately half of the demand (given only 4 'spaces' were taken on a Sunday morning). In addition the proposed development will remove the existing properties on Anglesea Road, one of which does not have vehicular access and is currently converted into 4 flats. These flats could generate a demand for parking on Anglesea Road of between 4 and 6 vehicles and this demand would be removed as part of the redevelopment of the site. On the basis of the above it is therefore likely that the access proposals, along with the parking restrictions, would not have a significant impact on the parking stock on Anglesea Road and, indeed, the net impact of removing available parking spaces with removing some of the parking demand could be nil detriment'.
- 6.5.7 Combined with the highly accessible location of the site, with Shirley Town Centre a five minute flat walk from the site, the gated access preventing residents of the terraced housing from gaining access easily to Anglesea Road, and the possibility that residents of the retirement block may chose not to own a car it is considered that the scheme would not have a detrimental impact on parking pressure within the surrounding area.
- 6.5.8 The application makes provision for suitable refuse and cycle storage, and the McCarthy and Stone development also includes a store for mobility scooters. Conditions will secure this storage for the lifetime of the development.
- 6.5.9 Having regard to the issues discussed above, it is considered that the scheme would be acceptable in terms of car parking provision and highways safety.

6.6 Quality of the Residential Environment

- 6.6.1 Saved Local Plan Policy SDP1 states that: 'Planning permission will only be

granted for development which (i) does not unacceptably affect the health, safety and amenity of the city and its citizens'. Policy H7 adds that 'planning permission will only be granted for residential development provided that the highest standards of quality and design are applied'. Paragraph 2.2.1 of the RDG supports these policies by confirming that 'new housing development, extensions and modifications to existing homes should ensure that access to natural light, outlook and privacy is maintained for existing occupants and their neighbours in their homes and private gardens as well as for the intended occupants of new habitable rooms'.

- 6.6.2 All habitable room windows within the proposed units would benefit from sufficient access to light, privacy and outlook.
- 6.6.3 Paragraph 4.4.1 of the RDG states that 'all developments should provide an appropriate amount of amenity space for each dwelling to use'. A minimum of 20 sq.m of amenity space is required for the flatted block. For semi-detached housing, including bungalows, (70sq.m) and terraced dwellings (70sq.m) different standards apply.
- 6.6.4 In this case the retirement block provides attractive areas of external space, although it would be wrong to include the public frontage and landscaped areas around the parking as 'fit for purpose' and private when calculating external amenity space. In terms of useable amenity space there are two areas with an attractive southerly aspect adjacent to the rear wing of the block. The main outdoor seating area measures 375sq.m and the second adds a further 300sq.m. At first and second floor level all flats within the proposed retirement block would benefit from private balconies ranging from 4.4 sq.m to 2.5 sq.m in area. These ground floor areas provide an acceptable external environment for residents (at approximately 16sq.m per flat excluding the balconies) and, given the type of residential accommodation on offer, are deemed to be acceptable.
- 6.6.5 The two storey houses are each served by a private rear garden ranging in size from 50sq.m, for the terraced housing fronting Stratton Road, and 130sq.m for the largest garden. The scheme includes 2 no.3 bed dwellings with a rear garden of 100sq.m and, as such, these dwellings can be treated as genuine family dwellings. Residents would also be able to access nearby amenity spaces. In particular, Lordsdale Greenway is located approximately 90m from the site whilst St James' Park is located approximately 150m away from the site.

6.7 Residential Amenity

- 6.7.1 All new development is expected to protect existing residential amenity and the removal of the existing employment uses certainly improves the living environment for existing neighbours. There are a number of close building-to-building relationships between the site and its neighbours and these are assessed in turn below:
- 6.7.2 At present, 1 and 2 Hamdown Cottages (on Newbury Road) are positioned immediately adjacent to one of the vacant dairy buildings. The rear gardens of this property are therefore, relatively enclosed on all sides. These properties have windows within the rear elevation at both ground and first floor level which are positioned approximately 2m away from the vacant dairy building sited immediately adjacent to the rear boundary of these properties. This situation

would improve as a result of this proposal which would see this vacant building demolished and a greater separation distance provided between the rear boundary of these residential properties and the new built form on the application site. Specifically, a separation distance of approximately 16m (taken from the rear elevation of no.1) would be retained between these properties and the closest part of the nearest bungalow. Having regard to this, it is considered that the proposed scheme would improve the existing arrangement for these properties leading to an improvement in terms of residential amenity for their occupiers.

6.7.3 Autumn Cottage off Didcot Road was constructed as a residential garage ancillary to Homecott House. It was converted to a residential dwellinghouse in 2009 under application ref.09/00278/FUL. As with Hamdown Cottages and Newbury House, this site backs onto one of the vacant buildings on the Dairycrest site. In this case, this site immediately adjoins this building. This situation would improve as a result of this proposal which would see this vacant building demolished and a greater separation distance provided between the rear boundary of these residential properties and the new built form on the application site.

6.7.4 Adequate separation distances (listed below) would be retained between all elements of the scheme and the existing residential properties at Homecott and Marlow off Didcot Road. This would ensure that no loss of amenity would occur for the occupiers of these properties:

33m between Homecott and the retirement block.
40m between Marlow and the retirement block.

6.7.5 The Shield and Dagger Public House is located on the corner of Stratton Road and Newbury Road. At ground floor level, this property comprises a public house however there is associated residential accommodation at first floor level. At present there is a 14m separation distance between the first floor windows serving the flat and one of the vacant Dairycrest buildings. This relationship will be improved with the removal of the existing buildings, the terraced housing pushed towards Stratton Road, and the use of single storey (bungalows) in the backland part of the site nearest these affected neighbours.

6.7.6 No.75b Anglesea Road is a single storey bungalow positioned to the north of the site. It is the proposed retirement block which is located closest to this existing residential property. At present, this property is bounded to the side and to the rear by vacant buildings on the Dairycrest site. This situation would improve as a result of this proposal which would see these vacant buildings demolished and a greater separation distance provided between the rear and side elevations of this residential property and the new built form on the application site. Specifically, a separation distance of approximately 20.5m would be retained between this property and the closest part of the three storey flatted retirement block. These two properties would be separated by a parking area and associated landscaping. The retention of an adequate separation distance would ensure that no loss of amenity would occur for occupiers of this neighbouring property in terms of a loss of light, overlooking or overbearing impact.

6.7.7 No.75 Anglesea Road comprises a number of residential flats with windows facing the application site. All windows facing the site are however, obscure glazed (2 at ground floor level, 1 at first floor level and 2 within the mansard roof). At present, a distance of approximately 13.5m exists between no.75 and the neighbouring

property at no.73 Anglesea Road. No.73 is however, due to be demolished as part of this proposal. A separation distance of approximately 4.5m would remain between no.75 Anglesea Road and the side elevation of the proposed retirement block. Having regard to the fact that it is only obscure glazed windows which exist within the side elevation of no.75 it is considered that no loss of amenity would occur for the occupiers of this property.

6.7.8 A separation distance of approximately 8.5m exists between the side elevation of no.67 Anglesea Road and the side elevation of no.69 Anglesea Road. No.69 is due to be demolished as part of this proposal. A separation distance of approximately 11.5m would be retained between the side elevation of no.67 and the side elevation of the retirement block. There is a single window at ground, first, second and third floor level of this block serving kitchens at each level. As no windows would be established within the affected elevation of the proposed retirement block it is not considered that this proposal would give rise to a harmful impact on the residential amenities of the occupiers of this neighbouring property.

6.7.9 The Ashby Sure Start Centre adjoins the site along Stratton Road. Concern has been raised in representations regarding the proposed boundary treatment to the rear of the bungalows. The Ashby Sure Start Centre has a playground which would immediately adjoin the rear boundary of these bungalows and concern has been raised regarding the privacy of this playground once the bungalows are occupied. To ensure that an acceptable boundary treatment would be installed, a bespoke landscaping condition will be imposed requiring further details to be submitted and approved by the Local Planning Authority prior to first occupation of the bungalows.

6.7.10 Having regard to the issues discussed above, it is considered that the proposed scheme would be considered acceptable in terms of residential amenity thereby satisfying the Development Plan policy and guidance set out above.

6.8 Direct Local Impacts and Viability

6.8.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This will be secured through a S106 agreement.

6.8.2 Natural England have lodged a holding objection to this scheme on the basis that the impact of the development on the New Forest National Park has not been adequately assessed. The New Forest National Park is also a Special Protection

Area, Special Area of Conservation, Ramsar site and contains Sites of Special Scientific Interest. Accordingly, the Council have undertaken an Appropriate Assessment as required by the Habitats Regulations. This Assessment is included as **Appendix 1** to this report and concludes that the development is unlikely to have a significant effect on the designated habitats. Only once the HRA is agreed by the Panel officers can conclude that the development, for which planning permission is sought, would be acceptable in this respect. In this case, it is the intention to utilise a 5% proportion of CIL to provide the improvements to local green spaces outlined in the Habitats Regulations Assessment.

- 6.8.3 The application also needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Developer Contributions SPD. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the S.106 recommended above.
- 6.8.4 A development of this scale would normally trigger the need for 35% affordable housing (net additional) in accordance with Core Strategy Policy CS15.
- 6.8.5 In terms of the development there is an expectation, in the first instance, that 18 units (35% of the 51 net additional) would be provided on site as 'affordable'. Policy CS15, however, suggests that 'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model). The applicants have submitted a detailed viability appraisal of their scheme. It concludes that nil affordable housing can be supported by this scheme. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 3**. This DVS report also concludes that the scheme is not viable, albeit to a lesser amount, and that a nominal contribution can be supported by the development and the s.106 will be prepared on this basis. As the s.106 negotiations crystallise this may, obviously, change given the limited surplus shown.
- 6.8.6 Clearly at the present time both parties are showing the scheme as unviable to varying degrees.
- 6.8.7 It is recommended that the DVS report is accepted and the Council supports the delivery of this project on the basis of the current viability (ie. with an affordable housing contribution of approximately £75,000, or equivalent on-site, subject to further review). Alternatively, as the Council can demonstrate a five year housing land supply the Panel may decide that it would be better to wait for the economic conditions to improve and seek affordable housing when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant for longer and the regeneration benefits from the current proposals would be delayed.

7.0 Summary

- 7.1 This proposal would bring the application site back into effective use, introducing an additional residential use within what is a predominantly residential area. The

proposed scheme is policy compliant with issues relating to the principle of development, highways safety, transport, design and residential amenity being adequately addressed. The scheme does not deliver 35% affordable housing but remains policy compliant in this regard given the wording of Policy CS15 in respect of allowing a shortfall when evidenced through a tested viability appraisal.

8.0 Conclusion

8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions and that the above delegations are agreed.

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

1a-d, 2b, 2c, 2d, 2f, 4bb, 6a-b, 7a

SH for 14/03/17 PROW Panel

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.Phasing Plan

The development shall be progressed in accordance with the phasing plan listed below. Prior to the commencement of each phase further details of how the remainder of the site will be left following the completion of that phase shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that the development progresses in a manner that leaves the site in a manner appropriate for this residential area at the edge of a designated conservation area.

4.Age Restriction

Occupation of the flatted (retirement) development shall be limited to persons of over 60 years old, or where there are two or more persons resident, then at least one person shall be over 60 and the remaining occupants shall be at least 55 years old.

Reason:

To ensure that reduced standards in terms of parking, on-site amenity space, and the reduced affordable housing viability have been correctly assessed and to ensure the permission relates to the scheme as applied for.

5.Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form (excluding enabling works, site clearance, demolition and preparation works) no development works affecting each phase as identified on the approved phasing plan shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the 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.

Note to Applicant:

Whilst concrete roof tiles are annotated on the approved drawings the Council's preference will be for a reconstituted slate and large bulky concrete tiles will be rejected.

6.Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the phase to which it relates first comes into occupation and thereafter they shall be retained as approved. The visitor parking shown on the approved plans shall not be allocated and shall be retained for visitors to the development and with the exception of those plots shown to have 2 on-plot parking spaces no dwelling shall be allocated more than a single parking space.

Reason:

To prevent obstruction to traffic in neighbouring roads, to ensure sufficient on-plot parking is provided and in the interests of highway safety.

7.Access arrangements

The off-site build outs along Anglesea Road, the 'alligator teeth' to the proposed Anglesea Road vehicle access, a no entry sign, and automatic gate along the central boundary, as shown on the approved plans listed below, shall be installed in full prior to first occupation of the flatted (retirement) block hereby approved. These measures shall be retained thereafter for the lifetime of the development.

All vehicular accesses hereby permitted shall be constructed in accordance with Balfour Beatty standards for heavy duty crossings. Furthermore, all redundant crossings around the site perimeter shall be reinstated as full height kerbs and all footways shall be reconstructed to suit the new levels prior to the first occupation of the phase nearest the affected access.

Reason:

To establish an 'access only' entrance from Anglesea Road, with appropriate visibility splays, in the interests of highways safety and so as to ensure that the development can be properly serviced.

8.Cycle storage facilities [Pre-Commencement Condition]

Notwithstanding the cycle storage details as shown on the approved plans, which require further refinement, further details of resident, staff, and visitor cycle storage to serve each phase of the development as shown on the approved phasing plan shall be submitted to and approved in writing prior to the commencement of development affecting each phase (excluding enabling works, site clearance, demolition and preparation works). These details shall include details of the proposed cycle storage systems and door locking mechanism. The approved cycling storage shall be completed prior to the first occupation of each phase and/or dwelling to which it relates and shall be retained thereafter for the lifetime of the development.

Reason:

To encourage cycling as an alternative form of transport and to ensure that the storage is fit for its intended purpose.

9. Road Construction [Pre-Commencement Condition]

No development hereby permitted affecting each phase of the development shall be commenced (excluding enabling works, site clearance, demolition and preparation works) until the Local Planning Authority have approved in writing:-

- o A specification of the type of construction proposed for the roads and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
- o A programme for the making up of the roads and footpaths to a standard suitable for adoption (where necessary) by the Highway Authority.
- o A programme for reinstating any redundant/existing dropped crossings and footway crossovers around the site perimeter. These affected kerbs are to be reinstated to a full kerb and footway construction under licence from the Council or our highway partners.

If a Section 38 agreement is not entered into for the formal adoption of the roads, details of how a Management Company will be set up and put in place for the future maintenance of the development will be required and this will need to be supported by a suitable bond.

The development shall be completed as agreed.

Reason:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority and to support servicing by a refuse vehicle as intended.

10.Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development affecting each phase shown on the approved phasing plan listed below (excluding enabling works, site clearance, demolition and preparation works) details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the affected dwelling and/or phase to which it relates is first occupied.

Prior to the first occupation of the flatted (retirement) block further details of a refuse management plan shall be submitted and agreed in writing with the Local Planning Authority.

Except for collection days only, no refuse bins shall be stored to the front of the development hereby approved outside of the dedicated stores.

The agreed refuse storage (and management) shall thereafter be retained as approved.

Reason:

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

Note to Applicant:

In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

11. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including enabling works, site clearance, demolition and preparation works, the developer shall submit a programme of habitat and species mitigation and enhancement measures for all phases, in accordance with an update to the following documents that shall have been submitted to and approved in writing by the Local Planning Authority prior to any site works taking place to implement this permission:

- a) Section 4 of the approved ecology report produced by Abbas Ecology (ref.AE/3339).
- b) The Extended Phase 1 Habitat Survey produced by Abbas Ecology (ref.AE/3312 and dated June 2015).

The updated details shall include bat boxes, swift boxes and sparrow terraces and shall be implemented on a phase by phase basis prior to the first occupation of the affected phase in accordance with the approved phasing plan listed below.

Reason:

To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity and to ensure updates following the 2015 work and a change to the proposed layout.

12. 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 are subsequently 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

13. Japanese Knotweed

No works shall commence on site including the enabling works, site clearance, demolition and preparation works until a method statement for the treatment of Japanese Knotweed (*Fallopia Japonica*) has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed timescales and methodology.

Reason:

To comply with the Wildlife and Countryside Act 1981 (as amended).

14. Hours of work for Demolition / Clearance / Construction (Performance)

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.

15. Demolition and Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced on each phase shown on the approved phasing plans listed below, details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Management Plan for the development. The DCMS shall include details of:

- a) parking of vehicles of site personnel, operatives and visitors with penalties imposed on contractors/operatives parking within identified nearby residential streets;
- 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 and vibration emanating from the site during construction will be mitigated;
- h) lorry routing agreements, with deliveries to avoid the start and end of the school day and to show how the need for two-way movements (both into and out of the site) from Anglesea Road can be reduced and/or mitigated; and,
- i) Contact details for residents needing to raise concerns during the demolition and construction phase.

The approved DCMS as it affects each phase shall be adhered to throughout the development process.

Reason:

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

16. Piling (Pre-Commencement)

Prior to any piling works affecting each phase shown on the approved phasing plan hereby approved, a piling/foundation design and method statement for the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason:

In the interest of residential amenity.

17. Energy & Water (Pre-Commencement)

Before the development of each phase shown on the approved phasing plan listed below 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).

18. Energy & Water (performance condition)

Within 6 months of any part of each phase 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).

19. Land Contamination investigation and remediation

Prior to the commencement of development of each phase approved by this planning permission, as shown on the approved phasing plan listed below (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 affected phase 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 phase 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.

20. 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.

21. 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.

22. Surface / foul water drainage (Pre-commencement)

Prior to the commencement of development of each phase approved by this planning permission, as shown on the approved phasing plan listed below, a scheme for the disposal of foul water and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development of each shall proceed in accordance with the agreed details with the agreed scheme made available for use prior to the first occupation of the affected phase. The agreed drainage scheme shall be retained as approved for the lifetime of the development.

Reason:

To ensure satisfactory drainage provision for the area.

23.Sustainable Drainage (Pre-Commencement Condition).

No phase shown on the approved phasing plan hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority prior to the implementation of any drainage works. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) Include a timetable for its implementation;
- c) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To seek suitable information on Sustainable urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

24.Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details - before the commencement of any site works or development on each phase identified on the approved phasing plan (excluding enabling works, site clearance, demolition and preparation works) a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- a) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials including block pavements to the vehicular access road serving the houses, structures and ancillary objects (refuse bins, lighting columns etc.);
- b) 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;
- c) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- d) details of any proposed boundary treatment, including retaining walls and the removal of all existing palisade fencing;
- e) The rear boundary treatment for the bungalows (Plots 14-17) shall be of a height which is sufficient to protect the privacy of children within the playing area at the neighbouring Ashby Sure Start Centre.
- f) The boundary wall details forming the separation between the different phases and as annotated to form the extent of the gardens plots; and
- g) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the affected phase shall be carried out prior to occupation of the affected phase or during the first planting season following the full completion of building works within that phase, whichever is sooner, unless an alternative timescale is agreed with the Local Planning Authority before these

trigger points. 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

25.Amenity and Recreation

Within a period of 3 months of first occupation of the flatted (retirement) block, details of local amenity spaces within the vicinity of the site shall be made available for all occupiers in accordance with the approved Amenity and Recreation Statement. Specifically, this shall include the following:

- a) Details of the facilities available.
- b) Distance from the site including approximate times to walk, cycle, drive or travel to the site using public transport.
- c) Details of public transport facilities available.
- d) Details of car parking facilities.
- e) A map clearly showing all amenity spaces in relation to the site.

This information shall be provided to all subsequent occupiers of the building

Reason:

To minimise the impact of recreational disturbance on the New Forest National Park and to ensure a high quality standard of living for residents.

26.Amenity Space Access (Pre-Occupation)

Before the first occupation of each dwelling all external amenity space on site, 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 thereafter for the use of the dwellings.

Reason:

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

27.Residential - Permitted Development Restriction (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 building or structures within Schedule 2, Parts 1 and 2, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Part 1

- Class A (enlargement of a dwelling house), including a garage or extensions,
- Class B (roof alteration),
- Class C (other alteration to the roof),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,
Class F (hard surface area)

Part 2

Class A (gates and fences)

Reason:

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

28.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 without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

29.Trees

The development hereby permitted shall be implemented in accordance with the following documents at all times:

- a) Arboricultural Method Statement produced by Ian Keen (ref.IJK/8899/WDC and dated 04/08/2016).
- b) Tree Protection Plan produced by Ian Keen (ref.8899/01 Rev.D and dated December 2015).

Reason:

To safeguard existing trees on site during construction and over the lifetime of the development.

30.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.

31.Archaeological evaluation investigation

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

Reason:

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

32.Archaeological evaluation 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.

33.Archaeological investigation (further works)

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

Reason:

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

34.Archaeological work programme (further works)

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.

35.Archaeological structure-recording

No development shall take place within the site until the implementation of a programme of recording 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 recording of a significant structure is initiated at an appropriate point in development procedure.

Note to Applicant - Community Infrastructure Liability (Approval)

You are advised that the development appears liable to pay the Community Infrastructure Levy (CIL). Please ensure that you assume CIL liability prior to the commencement of the development (including any demolition works) otherwise a number of consequences could arise. For further information please refer to the CIL pages on the Council's website at: <http://www.southampton.gov.uk/planning/community-infrastructure-levy/default.aspx> or contact the Council's CIL Officer.

Habitats Regulations Assessment (HRA)

Application reference:	15/02410/FUL
Application address:	69 - 73 Anglesea Road Southampton SO15 5SW
Application description:	Redevelopment of the site. Demolition of the existing buildings. Erection of a part two-storey and part three-storey building fronting Anglesea Road to provide 41 retirement flats. Erection of a three storey building fronting Stratton Road to provide 12 two storey houses and 4 bungalows with associated access, parking and landscaping
HRA completion date:	22/02/2017

HRA completed by:
Lindsay McCulloch Planning Ecologist Southampton City Council Lindsay.mcculloch@southampton.gov.uk

Summary
<p>The project being assessed involves the provision of retirement flats and housing, leading to a net increase of 51 units, approximately 2.9km from the Solent Maritime Special Area of Conservation (SAC), 2.9km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 6.7km from the New Forest SPA/Ramsar site.</p> <p>The site is partially vacant having been previously used as a milk distribution depot however, a number of the properties on Anglesea Road are currently occupied. It is located a significant distance from the European sites and as such construction stage impacts will not occur. Concern has been raised however, that the proposed development, in-combination with other residential developments across south Hampshire, could result in recreational disturbance to the features of interest of the New Forest SPA/Ramsar site and the Solent and Southampton Water SPA/Ramsar site.</p> <p>The findings of the initial assessment concluded that a significant effect was possible. A detailed appropriate assessment was therefore conducted on the proposed development. Following consideration of a number of avoidance and mitigation measures designed to remove any risk of a significant effect on the identified European sites, it has been concluded that the significant effects which are likely in association with the proposed development can be overcome.</p>

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

is on the city council's website at	<ul style="list-style-type: none"> ▪ Solent and Southampton Water Ramsar Site
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No – the development consists of new retirement and residential accommodation which is neither connected to, nor necessary for, the management of any European site.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<ul style="list-style-type: none"> ▪ Southampton Core Strategy (amended 2015) (https://www.southampton.gov.uk/policies/Amended-Core-Strategy-inc-CSPR-%20Final-13-03-2015_tcm63-371354.pdf) ▪ City Centre Action Plan (http://www.southampton.gov.uk/planning/planning-policy/adopted-plans/city-centre-action-plan.aspx) ▪ South Hampshire Strategy (http://www.push.gov.uk/item_12_-_appendix_1_-_position_statement.pdf) <p>The PUSH Spatial Position Statement plans for 104,350 net additional homes, 509,000 sq m of office floorspace and 462,000 sq m of mixed B class floorspace across South Hampshire and the Isle of Wight between 2011 and 2034.</p> <p>Southampton aims to provide a total of 16,300 net additional dwellings across the city between 2006 and 2026 as set out in the Amended Core Strategy.</p> <p>Whilst the dates of the two plans do not align, it is clear that the proposed development of the former Dairycrest site is part of a far wider reaching development strategy for the South Hampshire sub-region which will result in a sizeable increase in population and economic activity.</p>

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

Section 2 - Assessment of implications for European sites	
Test 1: the likelihood of a significant effect	<ul style="list-style-type: none"> • This test is to determine whether or not any possible effect could constitute a significant effect on a European site as set out in Regulation 61(1) (a) of the Habitats Regulations.
The proposed development is located approximately 2.9km to the north-east of the Solent Maritime Special Area of Conservation (SAC), 2.9km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and approximately 6.7km north of the New Forest SPA/Ramsar site.	

A full list of the qualifying features for each site is provided at the end of this report. The development could have implications for these sites which could be permanent arising from the operational phase of the development.

In their response to the consultation on this planning application, dated 4th January, 2016 Natural England raised concerns about insufficient information being provided about potential impacts on the New Forest sites. The response also highlighted the potential for recreational impacts upon the New Forest SPA as a consequence of the operation of the proposed development.

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

- Upgrade 370m of footpath at Shirley Pond within the Lordsdale Greenway
- Provision of a new bench at Shirley Pond;
- Information on routes to and features present within local parks including the Lordsdale and Lordswood Greenways.
- Payment of the standard Solent Recreation Mitigation Project contribution.

Conclusions regarding the likelihood of a significant effect

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

The project being assessed involves the construction of 41 retirement flats, 12 two storey houses and 4 bungalows, resulting in a net gain of 51 units, approximately 2.9km from the Solent Maritime Special Area of Conservation (SAC), 2.9km from the Solent and Southampton Water Special Protection Area (SPA)/Ramsar site and 6.7km from the New Forest SPA/Ramsar site.

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

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

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

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

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

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

The conservation objective for Special Protection Areas is to, "Avoid the deterioration of the

habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive."

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

TEMPORARY, CONSTRUCTION PHASE EFFECTS

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

PERMANENT, OPERATIONAL EFFECTS.

New Forest SPA/Ramsar site

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

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

The application site is located 6.7km from the nearest part of the New Forest SPA and Ramsar site in terms of linear distance and as such, resident in the proposed development would fall into the category of local day visitors.

Characteristics of visitors to the New Forest

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

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

The majority of the visitors to New Forest locations arriving from Southampton could therefore be characterised as day visitors, car-owners in family groups and many with dogs. The residents of the new properties are likely to fall within these groups and as such there is the potential that they will visit the New Forest placing additional pressure on the European designated sites.

Species and habitats affected by recreational activity

The proposed development will result in a population increase in the zone from which people make day visits to the New Forest. This has the potential to lead to likely significant effects on the conservation objectives of the qualifying features of the New Forest Special Protection Area (SPA) and the New Forest Ramsar Site. The relevant affected qualifying features are as follows:

- Breeding Woodlark New Forest SPA;
- European Nightjar New Forest SPA; and
- Dartford Warbler (New Forest SPA).

Effects of recreational disturbance on Birds

Within the New Forest, it is the ground and near-ground nesting birds such as Dartford warbler, nightjar and woodlark that are particularly affected by recreational activity. Studies by Langston et al (2007), Liley and Clarke (2003), and Murison (2002) investigated the effect of disturbance on the nightjar on heaths in Dorset, finding that breeding success of nightjar is significantly lower close to paths, and that proximity to housing has a negative relationship with the size of the population (Langston et al, 2007). The most common cause of breeding failure for this ground nesting species was due to daytime predation of eggs when disturbance caused an incubating bird to leave the nest. Similarly, the study by Murison et al (2007) revealed that for Dartford warbler on Dorset heathland, disturbance also reduced breeding activity, particularly so in heather-dominated territories. Birds in heavily disturbed areas (e.g., close to access points and car parks) delayed the start of their breeding by up to six weeks, preventing multiple broods and so reducing annual productivity. Most of this disturbance was found to come from dog walkers as a result of dogs being encouraged to run through the vegetation after sticks.

The accommodation to be provided at the site is a mix of one third family housing and two thirds retirement apartments. There is therefore likely to be a demand from at least a proportion of the new residents for countryside access in places such as the New Forest. The relatively small scale of the development means that, in isolation, recreational activity arising from the new residents is unlikely to lead to adverse impacts however, when combined with recreational activity arising from residential developments across Southampton and neighbouring boroughs, likely significant cannot be ruled out. Mitigation measures are therefore required to remove the adverse impacts.

Mitigation Approach

Adverse impacts on ground nesting birds are not restricted to the New Forest with similar issues being experienced on the Thames Basin Heaths SPA and the Dorset Heathlands SPA. The mitigation approach adopted at these sites is to provide suitable alternative natural green spaces (SANGS) as a component of new developments.

The findings of a residents' survey, undertaken in conjunction with an open spaces assessment for the Southampton City-wide Local Plan indicates that whilst visits to the New Forest were often to seek large areas of green open space and the associated features (for example wildlife and tranquillity) they were not necessarily specific to features unique either to the New Forest or to lowland heathland. Further recent local evidence for the general desire for open space as opposed to features unique to the New Forest or lowland heath is provided by the Test Valley Open Spaces Residents Survey (QA 2014). Walking and dog walking were important reasons for visits, but specific features of habitats ("it is a bog", "it is a protected area") were not.

It is therefore reasonable to assume that the approach of providing alternative natural

greenspace would be an effective means of diverting recreational activity away from the New Forest European sites. Unfortunately, the option of creating new sites is not practical within Southampton which is a densely developed urban area with no suitable locations available for conversion to SANGS. There is, however, an existing, under-used, network of semi-natural green spaces which includes the greenways and Southampton Common.

The greenways are an extensive network of wooded stream valleys, supporting a range of semi-natural habitats, located within close proximity to residential areas allowing residents easy access. Originally identified in the late 1980s, they were safeguarded from development and received significant investment in infrastructure such as footpaths, entrances and signage. Unfortunately, over time, budgets have declined and the infrastructure within the greenways has deteriorated leading to a reduction in their recreational value.

The former Dairycrest site is close to a number of sites which could provide countryside type recreation including the Lordsdale Greenway, 400m to the west, Southampton Common, 1.4km to the north-east, and the Lordswood Greenway, 2.9km to the north. Of these, the Lordsdale Greenway is the most suitable one to be the focus of mitigation measures being close enough to walk but with some on road parking. It is 18.5ha in size and contains a variety of habitats including woodland, meadow, wetlands, the Tanners Brook and Shirley Pond. It also has an existing network of footpaths which provide circular and out and back walks of varying lengths. However, whilst these paths are clearly visible, in places the surface has deteriorated and drainage is poor resulting in sections of the greenway being difficult to access.

The proposed mitigation will up-grade a section of the path to provide access to the wider greenway and also to make a popular feature, Shirley Pond, more accessible. This section of the Lordsdale greenway is closest to the development and the proposed improvements provide an opportunity for a circular walk. In addition, bearing in mind the higher age of many of the residents, a new bench will be provided to allow people to sit and enjoy views of the pond. The upgraded footpath (370m x 1.5m) will cost approximately £21,000 whilst the bench is approximately £1000.

The cost of these proposed improvements will be covered by CIL payments. The developer has also undertaken to provide information on local parks and routes to them to new residents

Summary of mitigation measures:

- Footpath around Shirley pond – 370m x 1.5m – £20,812.5 to supply materials and install;
- Provision of a bench - x1 - £1000 supplied and installed;
- Provision of information on local parks and routes to them.

Solent and Southampton Water SPA/Ramsar site

The net increase of 51 dwellings will lead to an increase in population and in all probability an increase in recreational activity at SPA locations.

Research undertaken through the Solent Disturbance and Mitigation Project (SDMP) indicated that increases in recreational activity at SPA locations have the potential to create mortality in the SPA bird populations due to increased disturbance¹. For a review of the in-depth analysis which has taken place on this issue at the Solent, please see the Solent Disturbance and Mitigation Project (http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/). However a key outcome of the research was that residential development within 5.6km of a Solent SPA could lead to a likely significant effect due to disturbance from recreation.

At 2.9km from the nearest section of the Solent and Southampton Water SPA/Ramsar site the development site is clearly within the 5.6km buffer zone. It can therefore be concluded that the population increase which will occur as a consequence of the proposed development is likely to lead to an increase in recreational activity at SPA locations.

The proposed development includes open space, however, whilst this will accommodate some of the recreational demand, it will not be able to replicate features found at coastal sites. A contribution

The SDMP identified a number of costed mitigation measures to reduce recreational disturbance arising from increased levels of recreational activity. A figure of £174 per residential unit was agreed by planning authorities across south Hampshire, and adopted by Southampton City Council, to enable delivery of the mitigation measures. The applicant intends to make a payment of £8874 (174 x 51 (net increase)) to the Solent Recreation Mitigation Partnership (successor to the SDMP), secured through an appropriate legal agreement, which will ensure that potential adverse effects arising from recreational development can be avoided.

Providing the proposed mitigation can be secured there are no implications from increased recreation on the SPA designations, even accounting for other plans and projects.

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

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

Conclusions

The following conclusions can be drawn from the assessment undertaken above:

The findings of the initial assessment concluded that there a significant effect was likely through a number of impact pathways. As such, a detailed appropriate assessment has been conducted on the proposed development, incorporating a number of avoidance and mitigation measures which have been designed to remove any likelihood of a significant effect on the identified European sites.

This report has assessed the available evidence regarding the potential impact pathways on the identified European sites and proposed a number of avoidance and mitigation measures. It has been shown that, provided that the proposed mitigation measures are implemented, the significant effects which are likely in association with the proposed development can be overcome.

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

- Upgrade 370m x 1.5m of footpath at Shirley Pond within the Lordsdale Greenway
- Provision of a new bench at Shirley Pond;
- Information on routes to and features present within local parks including the Lordsdale and Lordswood Greenways.
- Payment of the standard Solent Recreation Mitigation Project contribution.

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

European Site Qualifying Features

The New Forest SPA

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

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

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

- Hen Harrier *Circus cyaneus*

New Forest Ramsar Site

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

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

Solent and Southampton Water SPA

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

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

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

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

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

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

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

Solent and Southampton Water Ramsar Site

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

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

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Application 15/02410/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS10	A Healthy City
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
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
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
SDP16	Noise
SDP22	Contaminated Land
NE4	Protected Species
HE1	New Development in Conservation Areas
HE6	Archaeological Remains
CLT1	Location of Development
CLT3	Protection of Open Spaces
CLT5	Open Space in New Residential Developments
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
St James Road Conservation Area Character Appraisal (1996)

Other Relevant Guidance

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

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DVS Property Specialists for the Public Sector

Simon Mackie
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Planning & Sustainability
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Valuation Office Agency
Southampton Valuation Office
2nd Floor Overline House
Blechynnden Terrace
Southampton
Hampshire. SO15 1GW

Our Reference: GAT/1619731
Your Reference: 15/02410/FUL

Please ask for : Gavin Tremeer
Tel : 03000 504331
Mobile : 07786 734080
E Mail : gavin.a.tremeer@voa.gsi.gov.uk

Date : 10th February 2017

Dear Simon,

**DESK TOP REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT
PROPOSED SCHEME: Land (Former Dairy Crest Site) 69-73 Anglesea Road,
Southampton. SO15 5QR**

I refer to our fee quote dated 28 November 2016 and your email dated 05 December 2016 confirming your formal instructions to carry out a desk top viability assessment in respect of the above proposed development.

You have forwarded the developers assessment to review. We have now undertaken our own research and assessment and would report as follows:

Background:

This application is as follows:

"Redevelopment of the site. Demolition of the existing buildings. Erection of a part two-storey and part three-storey building fronting Anglesea Road to provide 41 retirement flats with the erection of 16 dwellinghouses (including 4 bungalows) accessed from Stratton Road with associated access, parking and landscaping - Description amended after validation following changes to the proposed layout and the replacement of a flatted block of 20 flats with 12 two storey houses"

The new proposed scheme comprises the erection of a part two part three storey building containing forty one 1 and 2 bedroom retirement apartments, ten 2 and 3 bedroom terraced houses and six bungalows.

Four of the six proposed bungalows are to be replacement dwellings for the 3 existing houses known as 69, 71 and 73 Anglesea Road which are currently occupied under protected 'life' tenancies. The revenues and costs for the new bungalows have been included in the applicant's appraisal but because of this unique situation, the applicant's benchmark land valuation for the site makes no allowance for the value of these existing buildings. We consider this to be the correct approach in assessing the financial viability of this scheme due to the obligation to re-house the existing tenants.

The applicant is stating that following their assessment the scheme including a CIL contribution of £418,452 but with no affordable housing shows a negative surplus of - £220,000 and therefore no affordable housing contribution can be made.

The Scheme:

We have been provided with the assessment undertaken on behalf of the applicant.

For the purpose of this desk top assessment we assume the areas provided to us by the applicant are correct. You have informed us that for this scheme an on-site affordable housing provision of 35% would be policy compliant which equates to 20 units as indicated in the planning application description above.

The scheme as proposed by the applicant is as follows:

Type	Number of Units	Average Unit Size Sq m	Total Net Sq m
Private Residential			
1 Bedroom Apartment	19	52.77	1,002.63
2 Bedroom Apartment	22	75.17	1,653.74
2 Bedroom House	8	79.00	632.00
3 Bedroom House	2	93.00	186.00
2 Bedroom Bungalow	1	78.00	78.00
2 Bedroom Bungalow	1	73.00	73.00
2 Bedroom Bungalow (replacement dwellings)	4	73.20	292.80
Total	57		3,918.17

Viability Assessment:

This report deals with each major input into the viability assessment of the scheme.

This assessment has been undertaken following our own detailed research into both current sales values and current costs. In some cases we have used figures put forward by the applicant if we believe them to be reasonable. The applicant has not provided a 'live' version of their spreadsheet valuation, but we have used their written report.

We have used a copy of our bespoke Excel Spreadsheet Appraisal to assess the scheme which is attached as Appendix 1.

We would summarise our assessment of the Scheme as follows:

1) Development Value -

a) Private Residential / Commercial:

The applicant has provided good comparable sales evidence from new-build retirements apartments and houses. Base on this evidence they have adopted the following values compared with ours:

Type	Developer (Average Value)	DVS (Average Value)
1 Bed apartment	£210,000	£210,000
2 Bed apartment	£290,000	£290,000
2 Bedroom House	£275,000	£275,000
3 Bedroom House	£325,000	£325,000

2 Bedroom Bungalow	£290,000	£290,000
2 Bedroom Bungalow	£275,000	£275,000
2 Bedroom Bungalow (replacement dwellings)	£262,500	£262,500

From our own research we do not disagree with the sales values so we have adopted these in our own appraisal.

Whilst the figure of £262,500 put forward for the replacement bungalows is slightly lower than for the other similar size bungalow (plot 12, £275,000), it is still considered to be representative of full open market value. It should be noted that these units will be used to re-house existing tenants under protected tenancies and therefore the market value of these units may be reduced due to this restriction. Nonetheless, for the purposes of the viability assessment we have adopted the same figures as provided by the applicant.

b) Ground rents:

For a development of this type we would expect the residential apartment units to be sold on a long leasehold basis with both a ground rent and service charge payable. The ground rents would have a value.

The applicant has included £425 per unit per annum for the 1 bedroom units and £495 for the 2 bedroom units capitalised using a 5% yield which is considered to be reasonable.

c) Gross Development Value (GDV):

On the basis of the proposed scheme, with no affordable housing, we consider the submitted gross development value of £15,214,300 to be reasonable.

2) Development Costs -

a) Build Cost:

At this stage no cost estimate or breakdown of costs has been provided to us. The applicant has instead adopted current BCIS Median figures and added 10% for external works costs. Based on this approach, the following build cost rates have been included in their appraisal:

Retirement apartments: £1,570.80 per m2
 Single storey units: £1,544.40 per m2
 2 Storey units: £1,194.60 per m2

These costs broadly reflect current BCIS Median costs for this type of construction, adjusted for location, and are therefore considered to be reasonable for this scheme.

An addition of 10% to cover all external works costs is also considered to be reasonable for this scheme taking account of the total size of the site and surfacing/landscaping required.

The base build costs total £7,430,954 and are in line with other similar schemes we have assessed and we have therefore used the same costs in our appraisal for the purposes of viability testing.

b) **Build Contingency** – The applicant has included a contingency of 5% of base build costs which is reasonable and in line with other similar schemes we have previously assessed.

c) **Professional Fees** – The applicant has included professional fees of 10% of build costs which equates to £809,545 in total. No breakdown of what these costs are has been provided to us to substantiate this figure and 10% is at the top end of the scale we would expect to see compared with other recent schemes we have assessed.

We are advised by our in-house team of Quantity Surveyors that professional fees for residential will typically fall within the range of 6% - 10% of construction costs. Therefore we have adopted a level of 8% for this scheme which we consider to be sufficient and has been agreed on other similar projects.

d) **Abnormal costs** – The applicant has included the following abnormal costs:

• Demolition (existing bungalows) -	£13,000
• Asbestos (existing bungalows) -	£5,000
• Contamination (existing bungalows) -	£6,000
• Demolition -	£95,000
• Asbestos removal -	£55,000
• Removal of underground tanks -	£15,000
• Contamination -	£90,000

The applicant has provided a site investigation report from ACS which indicates certain on-site contamination levels including a fuel tank which will need to be removed. The £90,000 figure is an estimated remediation cost at this stage but is considered to be a conservative estimate.

We consider these costs to be reasonable and have adopted these in our appraisal.

e) **Section 106/CIL Costs** – The applicant has included £418,542 for CIL contributions based on an indexed price per m² of £94.84, but we are informed by you that the CIL contribution will actually be closer to £358,556 and we have used this in our appraisal instead. We have also included the following S.106 contributions in our appraisal:

Highways: £40,500
SDMP: £9,328

The total contributions included in our appraisal are therefore £408,384 but if this differs then it will affect our assessment.

f) **Sales and Marketing Fees** – The applicant has included marketing fees totalling £468,525 and agent sales fees totalling £262,418. This equates to approximately 4.8% on total sales values which is similar to what we have seen on other retirement apartment schemes and is therefore considered reasonable for this scheme.

In addition legal sales fees totalling 35,434 have been included. This equates to £621.65 per unit which is within the range we would expect to see and we have therefore adopted this in our appraisal.

g) **Finance costs** - The applicant has included a finance debit rate of 5.5% and credit rate of 2.5% plus arrangement fees of £100,000. This equates to an overall debit rate of approximately 6.5% including fees. We consider this

to be reasonable and in line with similar schemes that we have previously assessed.

- h) **Developers Profit** – In the current market a range of 15% to 20% of GDV for private residential, 6% of GDV for affordable is considered reasonable. The applicant has used a blended profit rate of **19.2%** on GDV which allows for 6% on cost for the 4 replacement bungalows and 20% on GDV for the remaining units.

However, we have instead adopted the following profit rates based on previously agreed levels on similar schemes within the locality:

20% - RL apartments
17.5% - Private units
0% - Replacement bungalows

This equates to a blended profit level of **18.06%** on GDV. We have included no developer profit on the replacement bungalow as it is understood that they are a planning requirement for this scheme and the only associated risk is deemed to be with the construction costs, for which we have already allowed a 5% build contingency in our appraisal.

- i) **Development Programme** – Due to the requirement to provide 4 replacement dwellings to re-house the existing protected tenants on the site, the applicant has adopted a phased development programme.

They state that no work can commence on the retirement development and market housing until the tenants have been decanted.

They have therefore allowed a 9 month construction period for the replacement bungalows after a 6 month pre-construction period, with the main construction works starting in month 16 (following a total of 15 month lead-in period). The timeframe is as follows:

- Pre-construction period of **6 months** for replacement dwellings and 15 months for retirement and private units.
- Build Period of 9 months for replacement dwellings and 12 months for retirement and private units.
- Sales period assumes the following: 12 apartments (30%) sold at practical completion; with a further 21 apartments (50%) selling to the end of year 1 (so 80% of the scheme in the first year).

Overall this proposed timeframe looks reasonable in light of the protected tenancies in place, but we consider that a **4 month** lead-in period should be sufficient considering the advanced stage of this full planning application, and we have adjusted our cash flow to reflect this.

In addition, it should be noted that empty property costs have been included totalling £53,163 and a timeframe schedule has been provided to substantiate this.

- j) **Land Value** – Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the existing use value, or alternative use value of the site.

The subject site is effectively split into two separate parts; one part being the former dairy crest site totalling 1.54 Ac which is accessed from Stratton

Road (although there is a small access path from Anglesea Road), and the other part comprising no's 69, 71 and 73 Anglesea Road which are currently occupied under protected 'life' tenancies.

Four of the six proposed bungalows are to be replacement dwellings for the tenants of the 3 existing houses and as such the applicant's benchmark land valuation for the site makes no allowance for the value of these existing buildings or this part of the site. We consider this to be the correct approach in assessing the financial viability of this scheme due to the obligation to re-house the existing tenants.

The existing use value of the site as a storage depot and premises is relatively low due to its poor internal condition. It has been vacant since 2013 and, based on the previous rental value we would estimate a capital value in the region of £500,000 - £700,000 assuming minimal refurbishment costs. The repair/maintenance required are however unknown and the site's greatest value lies in its alternative use for residential redevelopment.

Based on this assertion, the applicant has provided a separate valuation report and put forward a value of £1,960,000 based solely on the 1.54 Acre former Dairy Crest site. This is based on comparable land sales of residential development sites within Southampton adjusted for planning risk. Abnormal costs of £255,000 have then been deducted from this figure to produce a benchmark land value of £1,700,000 (rounded). Deducting abnormal costs from the total value is considered to be a correct approach.

We have analysed the comparable sales provided to us. The value adopted by the applicant is based on the 2011 sale of 360 – 364 Shirley Road; a 1.99 Acre site with detailed planning consent for 18 houses and 78 flats which was purchased by Persimmon Homes for £3,625,000. This equates to £1,821,608 per acre, or £37,950 per plot.

The applicant has applied a 30% reduction in value to reflect planning risk. Although there is no formal consent for a scheme in place at the subject site, it is allocated for residential development in the Local Development Plan and the risk of obtaining consent will therefore be significantly reduced.

Overall, the benchmark land value of £1.7M put forward by the applicant equates to £1.1M per acre or £29,825 per plot based on the proposed scheme, or 12% of GDV which is deemed reasonable and in line with other market evidence available. The applicant has provided sales and marketing evidence from other nearby residential development sites which supports the figure put forward and we have therefore adopted the same benchmark land value in our assessment for the purposes of viability testing.

In addition stamp duty has been included at the current rate and agent/legal fees of 1.75% have been included.

Overall assessment:

Following our desktop assessment we are of the opinion that the proposed scheme, with no on-site affordable housing but with the full level of CIL contributions is borderline in terms of being viable but that a small surplus of up to £74,573 is potentially available for an affordable housing contribution.

As part of our review we have undertaken some sensitivity analysis. If the developer profit was reduced to a blended rate of 17.5% on GDV then our appraisal shows that a surplus of up to £159,220 could be available as an off-site contribution. This would potentially equate to 2 or 3 on-site units depending on property type and tenure.

The applicant's viability submission and appraisal is generally well evidenced and we broadly agree with most of the figures used but there are a couple of small differences, as highlighted in bold above, which are as follows:

- Professional fees
- Development programme (pre-construction period only)
- Developer profit

A major factor affecting the viability of this scheme is the staggered development schedule which is necessary due to the requirement to re-house the existing tenants on the site. The phased construction leads to an extended overall sales period meaning the revenue income will only be received after nearly 4 years of beginning the scheme.

The tenants could potentially be re-housed in temporary accommodation whilst construction of the first phase of houses and new bungalows was underway but the practicalities and disruption of this is likely to lead to equally high costs and is logistically more difficult to manage.

This is our opinion based on the evidence and information provided to us but should further evidence come to light it may cause us to alter our assessment.

I trust this report deals with the issues as required but please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

General Information:

Status of Valuer

It is confirmed that the assessment has been carried out by Gavin Tremeer BSc MRICS a RICS Registered Valuer, acting in the capacity of external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the assessment competently, and is in a position to provide an objective and unbiased assessment.

Conflict of Interest

Prior to undertaking this viability assessment, conflict of interest checks were carried out in accordance with the requirements of the RICS standards. I can confirm that we have not had any previous involvement with this site and that I am not aware of any conflicts of interest that affect my ability to provide impartial viability advice to the Council.

Validity

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

I trust this provides the information that is required however please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

Yours sincerely



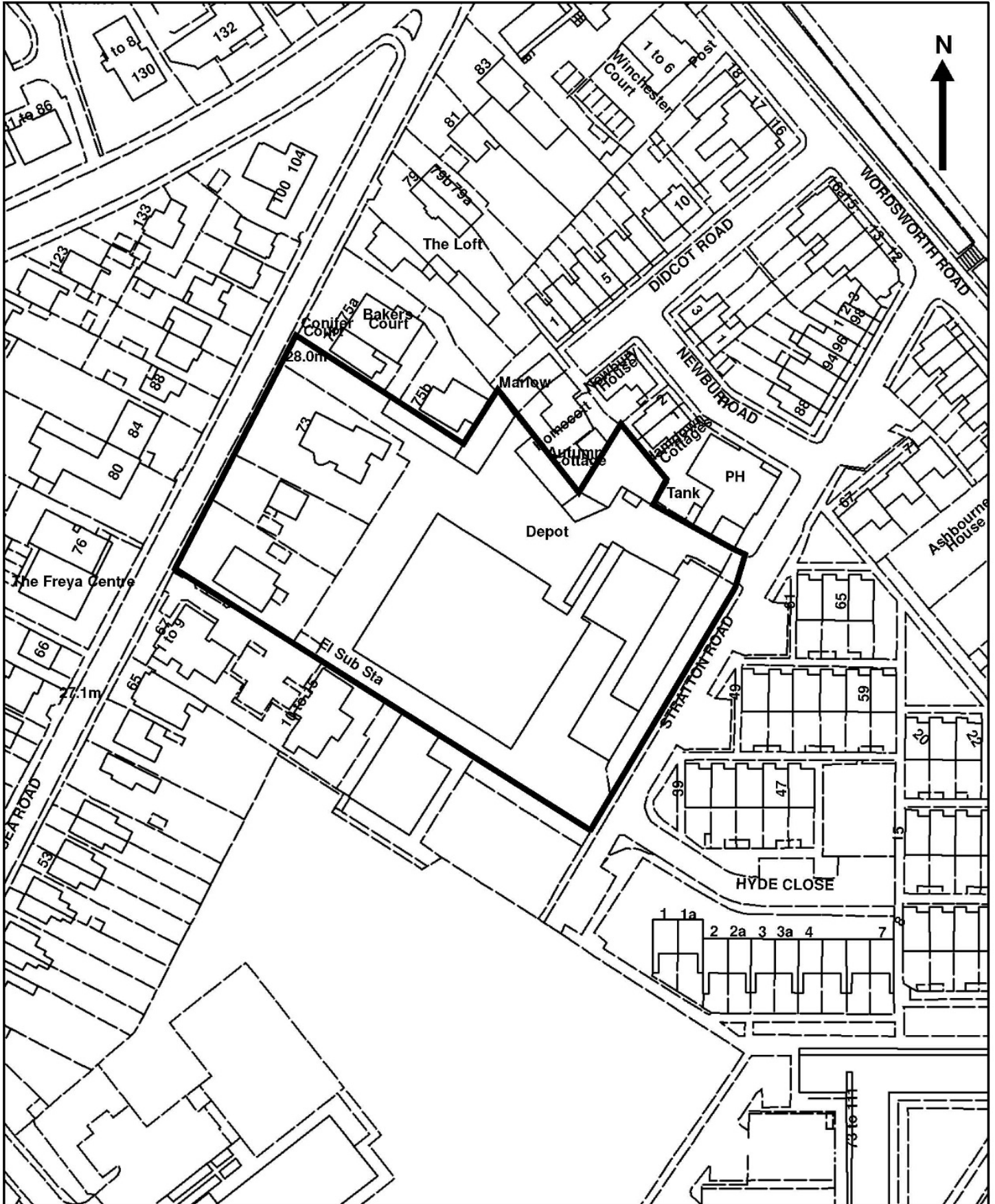
Gavin Tremeer BSc MRICS
RICS Registered Valuer
Development Consultant
DVS South East

Reviewed by:
Tony Williams BSc MRICS
Head of Viability (Technical)
DVS South East

Appendix 1 – Viability Appraisal 19.02% profit
Appendix 2 – Viability Appraisal 17.5% profit

Agenda Item 6 15/02410/FUL

Appendix 4



Scale: 1:1,250

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**Planning and Rights of Way Panel East 14th March 2017
Planning Application Report of the Service Lead Infrastructure, Planning and Development.**

Application address: Harefield Primary School, Yeovil Chase.			
Proposed development: Erection of a single storey detached classroom.			
Application number	16/01826/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	19/12/2016	Ward	Harefield Ward
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Fitzhenry Cllr Laurent Cllr Baillie

Applicant: Harefield Primary School	Agent: BAS Primmer Olds
Recommendation Summary	Delegate to the Service Lead Infrastructure, Planning and Development to grant planning permission subject to criteria listed in report.
Community Infrastructure Levy Liable	Not applicable

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 impact on car parking pressure, trees and visual character 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. Overall the exceptional educational need, in light of the changing nature of teacher training and the need for a dedicated teacher training facility within Harefield Primary School, which is an Ofsted recognised National Support School and National Teaching School, is considered to outweigh the potential negative impact of the development. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP9, SDP12 and SDP17 of the City of Southampton Local Plan Review (Amended 2015) and CS11, CS13, CS18, CS19, CS20, CS21, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).As supported by paragraph 72 of the NPPF.

Appendix attached
Development Plan Policies

Recommendation in Full

1. Delegate to the Service Lead Infrastructure, Planning and Development to grant planning permission subject to the completion of a Section 106 legal agreement to secure:

i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);

ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

iii. Submission and implementation within a specified timescale of a Travel Plan;

2. That the Service Lead Infrastructure, Planning and Development be given delegated powers to add, vary and/or delete relevant parts of the Section 106 legal agreement and/or conditions as necessary.

3. Refuse

1 The site and its context

1.1 The wider area is largely residential in character. The school, comprising of single and two storey buildings is linear in layout running parallel to Yeovil Chase. Housing occupies the southern side of the street largely arranged in terraces running perpendicular to the street, with the exception of 18-24 Yeovil Chase, which face the school. 6 parking lay-bys indent the carriageway on the south side of the street opposite the school. The most westerly is by a triangular turfed verge in front of 18-28 Yeovil Chase.

1.2 Beyond that point the street is bending in a south-westerly direction towards the junction with Taunton Drive/Wynter Road/Hatley Road. Although the street is two-way when travelling from Hatley Road to a point by the Community Centre car park where a one-way system has been in force since 1999, vehicles parked on the carriageway narrow the road to a single width with passing points and especially restrict forward visibility when passing around the bend in the street. The existing vehicular access to the 22 space school car park is located opposite 28 Yeovil Chase.

1.3 The site frontage to the street for the school also has good tree cover and a nature trail has been created in front of the former infant school. There are trees

on the boundary with Yeovil Chase some of which are protected however the trees effected by the proposal are not covered by a tree preservation order.

- 1.4 A private tennis club abuts the northern edge of that land and western side of the grassed playing area. The grounds of the school are largely laid to turf from a point immediately north of the buildings with a large hard surfaced playground also to the rear of the former Junior School occupying the western end of the site.

2 Proposal

- 2.1 Planning permission is proposed for a new classroom and following the receipt of amended plans (submitted to remove an objection on tree grounds) the location of the classroom has moved.
- 2.2 The classroom would be used for teacher training however in land use planning terms there is no difference between a teacher training facility and a normal classroom that could be used in association with the educational need for the whole site.
- 2.3 The proposed building that will provide the classroom will be positioned to the south of the existing school building toward the eastern end of the site. The proposal will provide a classroom space that will be flexible in its layout along with a table store, two offices, kitchen area and toilets.
- 2.4 The building will be single storey with a pitched roof. The elevations will be constructed to include facing brickwork to match the school, cedar clad gable ends with uPVC fascia's, gutters and down pipes under a roof of concrete tiles which will also match those used at the school.

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 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 LDF Core Strategy Policy CS11 supports the development of new educational facilities on school sites and paragraph 72 of the NPPF states:

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

- *give great weight to the need to create, expand or alter schools;*
- *and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

4 Relevant Planning History

- 4.1 Harefield Junior and Infants School was granted permission in 1953. Following its construction additional class rooms have been added along with other various modest sized extensions. The most notable and recent additions are listed below:

School Development

- 4.2 10/00803/R3CFL - Formation of new car park and new access road off of Yeovil Chase following the part demolition of the Junior school building – Conditionally Approved
- 4.3 10/00590/R3CFL - Single Storey extension to south elevation – Conditionally Approved - 07.07.2010.
- 4.4 09/00292/R3CFL - Replacement of classroom windows (including the addition of x 4 new doors) to the South elevation of the former infants school building and alterations to the existing adjacent path – Conditionally Approved - 15.05.2009.
- 4.5 08/01317/R3CFL - Demolition of the existing REEMA block and the former two-storey Junior School building, erection of a new single-storey building to the north of the former infant school building with associated external works, a new hard surfaced play area with associated fencing , a new car park and delivery area with lighting and a new access road off Yeovil Chase (which is proposed to serve the new school layout and a proposed future housing development on part of the site) - Conditionally Approved - 25.11.2008.
- 4.6 07/01197/R3CFL - Erection of a single-storey extension to provide enlarged pre-school facilities and a new community room with associated external works and car parking - Conditionally Approved - 24.09.2007.

Land adjacent

- 4.7 11/01304/R3OL - Redevelopment of the former school playground to provide 21 residential units (13 x 2 bedroom houses, 5 x 3 bedroom houses and 3 x 4 bedroom houses) with associated car parking and amenity space and vehicular access from Yeovil Chase (Outline application seeking approval for access, layout and scale). – Conditionally Approved, Panel Decision - 28.11.2011.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice 18/11/2016. At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 **Additional parking and traffic associated with the school run and after school clubs harm neighbouring amenity by blocking drive ways and footpaths; and by creating high levels of traffic congestion.** RESPONSE: The project will lead to funding input to the school travel plan to enable the school to engage with pupils, parents and neighbours, to address this issue by encouraging sustainable travel to school. The proposal will also not result in a change to the existing number of pupils or teachers visiting the school. Trainee teachers already attend the school and the scheme would not directly result in

more trainee teachers attending the school (other than if the capacity of the teacher training course is reached (18 rather than 15).

- 5.3 **Impact of construction traffic including parking, noise and impact on road surface.** RESPONSE: A highways condition survey will be added to ensure that any damage to surrounding roads caused as a consequence of the development will be repaired by the developer. A construction environment management plan will be required to control the development, this will address parking for contractor's vehicles and plant equipment and seek to reduce the impact of construction. The route used by traffic associated with the construction used to access the site will be controlled through the construction management plan. Hours of construction will be controlled by a planning condition.
- 5.4 **The new classroom should be constructed on the old community centre site at the end of Yeovil Chase or tenant's association club on the corner of Yeovil Chase and Selbourne Avenue.** RESPONSE: Each application should be judged on its own merits. The availability of other alternative sites is not a material planning consideration for this planning application.
- 5.5 **Consultation Responses**
- 5.6 **SCC Planning Ecologist:** No objection, apply recommended conditions to prevent upward light spill into nearby tree canopy for reasons of bat foraging potential protection.
- 5.7 **SCC Highways:** No objection, apply recommended conditions to reduce impact caused by construction traffic and in the interests of highways safety.
- 5.8 **SCC Trees:** No objection, apply recommended conditions to secure replacement tree planting for trees that will need to be felled to facilitate the development. Tree replacement is required on a two for one basis.
- 5.9 **SCC Contamination:** No objection, apply recommended conditions to ensure that users of the site are not exposed to contamination.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. Background to the development;
 - ii. Principle of development;
 - iii. Design and character;
 - iv. Residential amenity;
 - v. Highways and parking; and,
 - vi. Ecology and trees.

Background to the proposal

- 6.2 The proposed Harefield School Centred Initial Teacher Training (SCITT) building is to deliver high quality, accredited teacher training for schools in the local/Southampton community. The building would comprise of a large study area for teacher training and office space for senior leaders and administrative staff.
- 6.3 There are now presently a range of routes into teacher training. School Centred Initial Teacher Training is the route which involves training "on the job". Trainees

spend the majority of their time in school rather than in university.

- 6.4 In the national self-improving school system it is expected that schools are involved in the training of new teachers. Harefield Primary School, graded “outstanding” by Ofsted, is a National Support School and National Teaching School. This means it is accredited, due to its expertise, to support other schools in improvement. Harefield leads this area of teacher training in a local group of schools.
- 6.5 At Harefield SCITT trainees spend Monday to Thursday in classes in partnership schools and on Friday are at Harefield. At Harefield they follow a formalised training programme with planned inputs on professional practice led by a range of facilitators. They also have the opportunity to engage in personal professional research and have access to professional publications and reading.
- 6.6 The current room in which training takes place is unsuitable in size/capacity and the provision of the new detached building will also facilitate a more effective school layout. The current staffing level means that many administrative and senior leaders need to share office space. This in turn makes it difficult to hold confidential meetings. These can be between staff, outside agencies and/or with parents. The school is expected to hold review meeting for children looked after and families who are receiving support from children’s services. The building would provide extra administrative office space which would free up space within the main building where confidential meeting could be held.
- 6.7 For the academic year 2016-17 the National College for Teaching and Leadership capped the recruitment of trainee teachers attending the school to 18 trainees. Currently 15 are attending the school due to drop outs/deferments. These trainees have been attending Harefield since September 2016.
- 6.8 For the 2016-17 academic year the following staff are employed by the school:
- Teaching: 22 (19.2 FTE).
 - Admin: 6 (3.5 FTE)
 - Learning Support Assistants: 26 (14.5 FTE)
 - Site manager and Cleaners : 6 (2.3 FTE)
 - Breakfast staff:23 (0.3 FTE)
- 6.9 It is anticipated that the staffing numbers at Harefield Primary School will not increase at all in 2017 as the school is operating at full capacity.

Principle of development

- 6.10 Southampton City Council are in favour of school development, which seeks to modernise and improve teaching facilities within the City for the benefit of pupils and teaching staff. Core strategy policy CS11 states *‘the development of new inspirational, high quality education and related facilities...will be promoted’*.
- 6.11 Within the *‘Policy statement – planning for schools development’* (2011) it is clear that the government seeks...*‘all schools to adapt and improve their facilities...and to ‘drive for higher standards’* This proposal, that seeks to improve the facilities and achieve higher standards therefore reaches this aim. The government also believes that the *‘planning system should operate in a*

positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools'. This policy statement has therefore been attributed relevant material weight when considering this application. See also paragraph 72 of the NPPF as set out above.

- 6.12 It is important to consider that the proposal does not seek to remove part of a playing field. The area of the school site required for the development, measuring 169 square meters, is also relatively small in comparison with the whole of the school site which currently provides in excess of 26,000 square meters. The removal of the area of the site required for the proposed building will not therefore reduce the potential of the site to be used as a sports facility. Thus the scheme complies with policy CS21 which seeks to retain the quantity and improve the quality and accessibility of the city's diverse and multi-functional open spaces including playing fields.
- 6.13 Accordingly the principle of adding a new building onto the site for the specific purposes of improving the existing teacher training facility is supported and should be attributed significant material weight.
- 6.14 The Panel will note that a condition linking access to the classroom to teacher training - and not school pupils - would prove difficult to enforce and has not been included as part of this recommendation.

Design

- 6.15 The adopted LDF Core Strategy Policy CS13 continues the Council's commitment to securing high quality design. The scale, form, design and materials chosen for the proposed building is akin to existing buildings within the school site. The building will also benefit from being partially screened from Yeovil Chase by an existing hedge. As such the proposal will not adversely affect the character or appearance of the school within the Yeovill Chase street scene.

Residential amenity

- 6.16 The single storey building would be sufficiently separate from the nearest residential neighbours, being in excess of approximately 20m, and as such the building itself would not have a harmful impact on residential amenity. The building would not be overbearing or cause over shadowing of neighbouring properties. It is also not considered that the provision of the teaching facility will result in a significant increase of intensity of use on the site given that the use is already taking place within the existing school buildings.

Highways, access & parking

- 6.17 The site is situated on Yeovil Chase which is known to already suffer from a high number of vehicular movements and on street parking space uptake particularly at the start and end of the school day. With high levels of on street parking traffic speeds tend to slow resulting in a natural form of traffic calming. The Highways Development Management Team have no objection on the basis of highways safety.
- 6.18 Pupil numbers at the school are also not anticipated to increase: 2016-17 pupil numbers at Harefield are 410, this may reach capacity in 2017-18 of 420. The school would then be at full capacity. The intention of the new school building is not to increase available teaching space within the school for pupils leading to further pupil intake. Furthermore the vacant space within the school, provided once the SCITT becomes operational, will not be used to accommodate more teaching space for pupils rather there will be a re-organisation of office accommodation for staff and the provision of meeting rooms capable of holding confidential meeting.
- 6.19 Council Officers recognise that as a result of the SCITT (which started in 2016) a potential total of 18 trainee teachers can attend the site. The use of the building for teacher training is however not likely to be significantly intensive or harmful given that trainee teachers only attend the site one day per week (currently Fridays). The remaining four days of the week the trainee teachers learn in classrooms of existing schools. It is noted that Harefield Primary School has four trainee teachers who learn on site for the remaining four days of the week.
- 6.20 There has been a small increase in visits to and from the site as a consequence of the use of the site for teacher training which started in September 2016. Whilst this application does not directly result in additional staff owing to the objections raised by local residents and the Councils acknowledgement of the car parking pressure around the school, particularly at the beginning and end of the school day, the Council are seeking a financial contribution (via a legal agreement) to improve and invest in the school's travel plan in order to encourage staff, parents and children to arrive to school in an alternative method to cars. It is noted that should the application be refused the Council will not have the opportunity to do this.

Ecology and trees

- 6.21 The application site consists of an area of hard-standing and amenity grassland which have negligible biodiversity value. Close to the southern side of the proposed building is a hedgerow containing a number of trees which is likely to provide habitat for foraging bats and nesting birds. Construction of the proposed classroom building is unlikely to impact directly upon the hedgerow however, external lighting has the potential to deter bat foraging activity. External lighting on the side of the building adjacent to the hedgerow should therefore be kept to a minimum with light tightly focused on the areas where it is required. Any upward spill should be controlled through the use of hoods whilst direct illumination of the trees canopies should be avoided. Design of the external lighting will be secured through a planning condition.
- 6.22 The building is shown to be approximately 9m from the closest tree that is to be retained. The tree will need to be protected throughout its construction. The

proposal also results in the removal of some smaller trees at the south east corner of the site. The trees are of lesser quality and mitigating planting can offset their loss, therefore a landscaping plan will be required with details on species, size, location and pit design for the replacements and the replacement trees will need to be on a 2 for 1 basis.

Summary

- 6.23 The main school buildings on site are currently used in excess of their optimum capacity which has an impact on the operational efficiency of the school. This has partially resulted from the need to provide the SCITT within this school which is justified given the schools outstanding Ofsted rating and its designation as a National Support School and National Training School.
- 6.24 The formation of the new classroom exclusively for the SCITT use will provide an improved learning environment for trainee teachers and will also free up more space in the school so that private meeting rooms needed for confidential discussions can be formed along with improved office accommodation.
- 6.25 Trips to and from the school will not change as a direct result of the proposed new teacher training building as the use currently exists on the site and the proposal provides the opportunity to seek planning contributions to improve the school travel plan.
- 6.26 All material planning considerations have been taken into account when assessing the merits of this planning application. Whilst it is recognised that parking pressure and congestion on Yeovil Chase is a concern to local residents on balance, it is considered that the scheme is acceptable due to the urgent requirements for improved teacher training facilities and the need to improve the efficiency of the existing buildings.
- 6.27 Failure to deliver the project would represent the loss of an important opportunity to improve teacher training facilities in the city to the overall benefit of the City Council, the school, trainee teachers and most importantly school pupils. This is a significant material consideration in this case in accordance with Policy CS11.
- 6.28 In this particular case, taking account of all material points listed above and in particular because of the relatively small foot print required for the building in question; and given its current use not as a playing field not available to the public, Officers conclude that the proposal is acceptable and is not contrary to the development plan.

Conclusion

- 6.29 Accordingly the application is recommended for approval.

1a-d, 2b-d, 4f, 4vv, 6a,

MP3 for 14/03/2017

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

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

2. 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. Hours of work for Demolition / Clearance / Construction [Performance Condition]

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

4. Construction Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written Construction Plan and appropriate drawing shall be submitted to and approved by the Local Planning Authority. The Construction Plan shall specify vehicular access arrangements, the areas to be used for contractor's vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved Construction Plan once agreed.

Reason: To protect the amenities of neighbours and the wider environment.

5. Contractors parking (Performance)

At no time shall contractors carrying out the construction of the development hereby approved use the public highways to park vehicles associated with the development (including domestic vehicles used by contractors to travel to and from the site).

Reason: To prevent a potential source of on street parking pressure within nearby roads and in the interests of the amenity of residents living nearby , in particular on Yeovil Chase.

6. Use of a Banksman (Performance)

At no time shall construction related traffic reverse onto the public highway from the site without being supervised by a banksman.

Reason: In the interests of highways safety.

7. Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason: In the interests of highway safety.

8. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

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.

9. Use of uncontaminated soils and fill (Performance)

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.

10. 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.

11. Window specification limitations [Performance Condition]

All windows shall have a reveal of at least 100mm from the finished facade.

Reason: In the interests of amenity by endeavouring to achieve a building of improved visual quality.

12. 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 adjacent school 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.

13. Landscaping detailed plan [Pre-Commencement Condition]

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

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. The hedgerow to the front of the site on the boundary with Yeovil Chase shall also be retained and protected throughout the construction period. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance) to ensure a suitable environment is provided on the site.

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

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

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

14. Tree survey plan [Pre-Commencement Condition]

No operation in connection with the development hereby permitted shall commence on site until an accurate plan showing the position of all trees pertinent to the development has been submitted and agreed in writing with the Local Planning Authority. The Root Protection Areas (RPA's) are to be included within this plan.

Reason: To ensure easy identification of all trees to be retained pursuant to any other condition of this decision notice.

5. Tree Retention and Safeguarding [Pre-Commencement Condition]

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

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

16. Lighting [Pre-Occupation Condition]

Prior to the use of the development hereby approved a lighting scheme detailing the position of external lighting including the type of lighting unit proposed and measures necessary to prevent upward light spill into nearby tree canopy shall be submitted to and approved in writing by the Local Planning Authority. Once approved the lighting scheme shall be carried out in accordance with the approved details. The installation must be maintained in accordance with the agreed written scheme.

Reason: To protect potential bat foraging habitat.

Informative: In the interests of ecology and more specifically protected bats which are sensitive to light an ecologist should be consulted when designing the scheme to ensure that no harm to wildlife, that might otherwise use the trees and hedges for nocturnal foraging, shall occur.

17. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for at least 2 additional bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

Application 16/01826/FUL

APPENDIX 1

POLICY CONTEXT

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)
SDP4 (Access)
SDP5 (Parking)
SDP7 (Context)
SDP9 (Scale, Massing and Appearance)
SDP12 (Landscape and Biodiversity)
SDP17 (Lighting)

Local Development Framework Core Strategy Development Plan Document (Amended 2015)

CS11 (An Educated City)
CS13 (Fundamentals of Design)
CS18 (Transport)
CS19 (Car and Cycle Parking)
CS20 (Tackling and adapting to climate change)
CS21 (Protecting and enhancing open space)
CS22 (Promoting biodiversity and protecting habitats)
CS25 (The delivery of infrastructure and developer contributions)

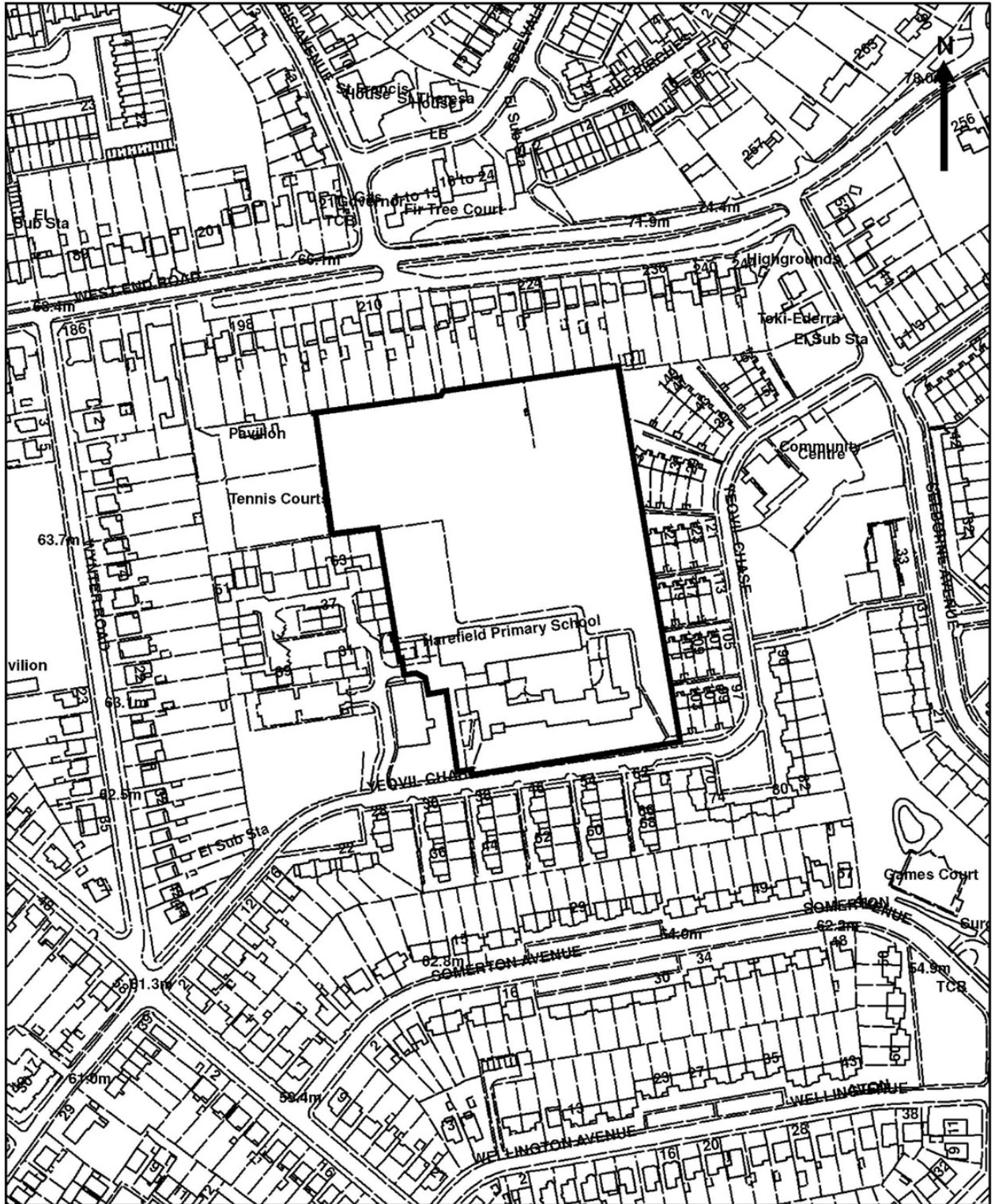
Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Other Relevant Guidance

The National Planning Policy Framework (2012)
Policy statement – planning for schools development (2011)

16/01826/FUL



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Planning and Rights of Way Panel 14th March 2017
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Glyn Court, 37 Archers Road, Southampton			
Proposed development: Proposed fourth storey extension to existing building to create 2 additional 2 bedroom flats with associated parking and bin and bike storage.			
Application number	16/00328/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	17.03.2017 (Extension of Time Agreement)	Ward	Freemantle
Reason for Panel Referral:	Referral request from Cllr Moulton and six representations	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Mr D Wilson	Agent: Jenkins Architecture
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Recommendation Summary	Delegate to Service Lead - Infrastructure, Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations as detailed in the report to the Planning & Rights of Way Panel on 14th March 2017 have been considered. The impacts of the scheme on the character of area and adjacent neighbouring properties are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS4, CS6, CS13, CS18, CS19, CS20, CS22 and CS25 of the Core Strategy (2015) saved policies SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, H1, H2 and H7 of the adopted City of Southampton Local Plan Review (Amended 2015), Supplementary Planning Document 'Residential Design Guide' (2006), Parking Standards (2011) and the National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies		

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 S.106 Legal Agreement to secure:
 - 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 financial contributions towards Solent Disturbance Mitigation Project are not completed within one month of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure of the application to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline contrary to Policy CS22 of the Council's Amended Core Strategy (2015) as supported by the Habitats Regulations.
3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete conditions as necessary.

1.0 The site and its context

- 1.1 The application site comprises a 3 storey block of 6 x 2 bedroom flats located on the northern side of Archers Road. This property was constructed in 1956 (ref.1083/37) alongside a block of 6 lock up garages to the rear (ref.1086/38). 4 no. allocated car parking spaces serving the neighbouring flatted at 39 Archers Courts are located to the front of the building. The front elevation of this property is set back from the public footpath at a distance of approximately 26m, behind a front garden, front driveway and low boundary wall. Site access is taken from Archers Road.
- 1.2 The surrounding area is predominantly residential in character. The neighbouring site to the east (19 Archers Road) is occupied by three-storey terraced housing, the adjoining site to the west is occupied by a 3-5 storey flatted block and the adjacent side of Archers Road is occupied by three-storey terraced housing. Larger flatted blocks are located nearby on Archers Road, including 9-storey Overdell Court. Parking controls are in place within Archers Road with either no parking at any time or no parking Monday-Saturday 8am-6pm. Northlands Road has parking restrictions on its eastern side with no parking Monday-Saturday 8am-6pm, the western side contains unrestricted parking with the exception of 2hr waiting outside Tudor Wood flats.

2.0 Proposal

- 2.1 The proposal seeks to extend the building with an additional storey comprising 2 additional 2-bed flats. The additional storey would have a flat roofed design with a set-back and raised parapet in order to provide roof terraces to the front and rear.

The existing chimneys will be retained and extended. The additional floor would be finished in matching brick cladding with aluminium capping to the flat roof and render finish to the raised parapet and side walls. 2 no. additional parking spaces are proposed at the rear of the building. The flats would be served by the existing side entrance and stair core.

- 2.2 The resultant building would have 4-storeys with a total of 8 flats and a ratio of 1:1 car parking provision.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

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

4.0 Relevant Planning History

- 4.1 In 1956, planning permission was granted for the existing building comprising 6 flats, known as ‘Glyn Court’ (ref 1083/3) and also the garage court at the rear (ref.1086/38).

- 4.2 The neighbouring site to the west comprises a 3-5 storey flatted block (Simco) allowed on appeal 26.07.2012 (ref 11/01336/FUL). This approved scheme comprises 20 flats (7 x 1-bedroom, 7 x 2-bedroom and 6 x 3-bedroom) served by 10 on-site car parking spaces.

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 (47 in total) and erecting a site notice (11.03.2016). At the time of writing the report **6 representations** have been received from surrounding residents and a panel referral request from Ward Councillor Moulton. The following is a summary of the planning related points raised:

- 5.2 Overlooking of neighbouring roof terrace within Simco Court

Response

High level windows are proposed within the side elevation and privacy screens have been added to the balconies to ensure the proposed flats will not overlook Simco Court. A condition will be added to ensure the privacy screens are installed prior to first occupation and thereafter retained.

5.3 Reduction in value of neighbouring property

Response

Planning is concerned with land use in the public interest, and therefore the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material consideration, as set out within National Planning Practice Guidance.

5.4 Impact of construction noise

Response

Construction noise is an unfortunate symptom of development and cannot be used as a reason to refuse planning permission. Environmental controls can be put in place through planning conditions to control the hours of work and construction environment management in order to minimise the impact of noise and disturbance to existing occupiers.

5.5 Insufficient parking provision

Response

The provision of 1 space per new 2 –bed accords with the Council’s maximum car parking standards. The maximum would be 2 spaces per dwelling. The proposal does not result in the loss of parking provision for existing residents.

The site is located within an accessible location, in close proximity to public transport services, places of work and amenities within the city centre which lessens the reliance on the motorcar. Existing parking controls within Archers Road and adjoining streets will prevent any parking overspill from prejudicing highway safety. See planning considerations for further discussion on this point.

5.6 Impact of existing access and parking arrangement for Simco Court

Response

The 4 car parking spaces to serve Simco Court at the front of Glyn Court and associated pedestrian access is a private arrangement and is not a breach of planning control.

5.7 The proposed car parking spaces would compromise the existing vehicle turning area.

Response

No objection has been raised from Highways Development Management in relation to the proposed parking layout, subject to the relocation of car parking space 8 in front of car parking space 7. This will create appropriate turning width (in excess of 6m) for cars parked in front of garages 1-4. The relocation of car parking space 8 will still provide a 3.5m access width between the car parking space and the building which is sufficient for vehicles and pedestrians to pass.

5.8 The existing driveway access is narrow and may lead to vehicles reversing out onto Archers Road. Increasing the driveway width to 4.5m to allow vehicles to pass, would result in the loss of existing garden space.

Response

The proposal will require the widening of the existing opening but will not result in the loss of garden space. The widening of the opening and repositioning of the existing brick pier will not harm the street scene. The access widening is considered necessary to reduce the likelihood of vehicles having to reverse onto Archers Road, in the interests of highway safety.

- 5.9 Travel demands of the additional flats will exacerbate existing traffic congestion within Archers Road
Response
No objection has been raised by Highways Development Management. The impact of 2 additional car parking spaces would not have a sufficiently harmful impact on the network to substantiate a reason for refusal. Furthermore the site is situated within a sustainable location which will encourage walking / cycling.
- 5.10 Concern regarding the potential loss of the existing chimneys which are used for heating
Response
The scheme has been amended to retain the chimneys.
- 5.11 Disruption and inconvenience of further construction work following the impact of building works on neighbouring sites for the past 3 years, to the determinant of health and wellbeing
Response
Construction noise is an unfortunate symptom of development and cannot be used as a reason to refuse planning permission. Environmental controls can be put in place through planning conditions to control the hours of work and construction environment management in order to minimise the impact of noise and disturbance to existing occupiers.
- 5.12 Scaffolding could compromise resident parking arrangements
Response
The depth of scaffolding around the building will not harmfully compromise existing vehicle access and turning. It is considered that sufficient vehicle access width in excess of 3.5m and rear turning area in excess of 6m would still be retained.
- 5.13 Extra soundproofing between the new top floor and the existing one should be insisted on if planning permission is granted.
Response
The development will need to meet the soundproofing requirements under part E of the Building Regulations. It would be unreasonable for the planning department to require a higher specification.
- 5.14 Potential late night disturbance arising from the two additional flats that could accommodate up to 8 persons
Response
It is highly unlikely that the proposed 2 no. 2-bed flats would be occupied by a total of 8 adults. Any late night noise disturbance is controlled by environmental health legislation.
- 5.15 Objection to the use of rendering because it can cause many problem, including damp and can become unsightly
Response
The proposal no longer seeks to render the existing building. The existing brickwork will remain and brick cladding will be used on the extension. A narrow band of render would be applied to the parapet to provide a transition to the existing bricks and proposed brick cladding.

- 5.16 There are only 6 spaces to the rear for parking and 2 in the front for existing occupiers. The feeholder has leased 4 spaces within the front to Simco Court
Response
The existing car parking provision will not change.
- 5.17 Balconies cause problems to the flats below in terms of water ingress
Response
The small terraces will be required to meet building regulations in relation to water tightness.
- 5.18 Request the addition of lintels to existing windows to accommodate the additional loading
Response
Structural loading calculations assessed under Buildings Regulations will determine if any measures are required to support and enhance the existing building. Modern roof extensions are generally of light weight timber framed construction with light weight cladding.
- 5.19 The four car parking space to the front serving Simco Court are sometimes double parked
Response
This is an on-site management issue and a private matter between freeholder, leaseholder and tenants.
- Consultation Responses**
- 5.20 **SCC Highways - No objection**
 No objection subject to the site access being widened to 4.5m for the first 6m to allow two cars to pass at the site entrance in the interests of highway safety. The intensification in use of the site with two additional flats and associated parking increases the likelihood of conflict between cars entering and exiting the site at the same time without a vehicle passing point. The car parking layout should also be amended to relocate the proposed car parking space (serving proposed flat 8) from the back of the building in order to provide adequate vehicle turning width for existing occupiers parking vehicles in front of garage blocks 1-4. There is sufficient side access width to locate the proposed space for flat 8, in front of the space for flat 7, a 3.5m width passing width would still be available for pedestrians and vehicles. The refuse storage should also be condensed to reduce the number of wheelie bins by providing 2no. 1100ltr Euro bins
 Note:- The requested change is covered by condition.
- 5.21 **SCC Sustainability Team - No objection**
 Subject to the imposition of conditions securing energy and water restriction.
- 5.22 **SCC Environmental Health (Pollution & Safety) - No objection** subject to conditions to restrict hours of work and to ensure no bonfires take place during works.
- 5.23 **SCC City Design Officer - No objection**
 The proposed finishing materials should be revised to provide brick cladding to closely match the existing building rather than fibre cement weatherboarding.
 Note:- This change has been made.

5.24 **SCC Heritage – No objection.**

6.0 Planning Consideration Key Issues

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

- Principle of development and Density;
- Design and amenity;
- Highway Safety and Parking; and
- Development Mitigation

6.2 Principle of Development & Density

6.2.1 The proposed extension of this existing flatted block to provide two additional 2-bed flats is considered acceptable in principle. Residential use is compatible with the existing building and in keeping with the character of the area. The site is located on the edge of the city centre where densities of between 50-100 dwellings per hectare can be supported and therefore the resultant density of 51 dwellings per hectare accords with Policy CS5. The resultant four-storey scale would not be out of keeping with building heights in the area with examples of 4 to 9-storey development on sites to the west (See Simco court next door).

6.2.2 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 for the city to address its own requirements. The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable housing development, the use of previously developed land and therefore the principle of the proposal is generally supported.

6.3.3 The provision of 2-bed units accords with policy CS16 which supports a mix of house types to provide sustainable and balanced communities.

6.4 Design and Amenity

6.4.1 The existing building is set back from the Archers Road frontage adjacent to a 3-5 storey flatted block to the west (Simco Court) and garages and residential gardens to the east. The increase in building height from 3 to 4-storey will not have a harmful impact on the visual amenities of the area having regard to the building set back and height of adjacent buildings.

6.4.2 The proposal incorporates a flat roofed design with an eaves overhang finished in aluminium trim to cap the building. The existing chimneys are to be retained and extended to project above the new flat roof. The incorporation of front and rear set-backs to provide roof terraces provides a degree of subservience to the existing building. The finishing materials have been revised with the removal of the render coat to the building and the existing brickwork retained. The proposed extension will be finished in brick cladding to closely match the existing brickwork with render banding incorporated to the raised parapet to provide a transition material between the existing and new brickwork courses. The proposed form and choice of external materials is considered in keeping with the character and appearance of the area.

- 6.4.3 The design has responded to the constraints of the site by introducing high level windows and privacy screens to the balconies to prevent direct overlooking of properties to the east and west. A greater number of standard window opening are provided within the front and rear elevation with front and rear aspect.
- 6.4.4 The residential environment for future occupiers is considered acceptable with all habitable rooms served with daylighting and outlook. Small terraces (6sqm in area) will provide private amenity space for the flats with access also available to the communal amenity space to the front of the building which is considered of sufficient quantity (120 sqm in area) and usability to serve 2-bed flats in this edge of city centre location.
- 6.4.5 The development is not considered to adversely harm the residential amenities of neighbouring occupiers with no harmful loss of privacy, outlook or shadowing occurring having regard to the building position and orientation and existing separation distances. High level windows and privacy screens have been incorporated to prevent direct overlooking to the side. Whilst limited oblique views across neighbouring plots may occur from the upper floor windows and roof terraces, such arrangement is not uncommon and part of the character in higher density areas such as this.
- 6.4.6 Appropriate controls can be secured by planning condition to minimise noise and disturbance to neighbouring residents during the construction phase such as restrictions on hours of work and the requirement for a construction environment management plan to ensure the development is compliant with Local Plan Review policy SDP1(i).

6.5 Highway Safety and Parking

- 6.5.1 The City Council's Highways officers have raised no objection following amendment to widen the site access to 4.5m for the first 6m to allow vehicles to pass at the entrance in order to prevent obstruction to the footway and flow of traffic along Archers Road. The car parking layout has been amended to relocate both of the proposed parking spaces to the side of the building to ensure that existing parking spaces in front of the garages have sufficient turning width.
- 6.5.2 The provision of 1 car parking space per 2-bed dwelling accords with the Council's maximum standards and is considered appropriate in this sustainable edge of city centre location. It is noted that an appeal inspector in a recent appeal decision from 2015 for 2-bed flatted development at nearby Banister Grange (ref: APP/D1780/W/15/3131646) held that:

.. "in my opinion, due to the site's location close to the city centre the flats in Banister Grange might, if not occupied as a single family unit as suggested, equally well attract younger people or those who do not own/or have a regular need for a private car. In my experience, it is equally plausible that existing/future residents may well therefore more readily adopt other forms of transport such as powered two wheeled vehicles (motorcycles, scooters and mopeds), cycle, walk or use public transport."

- 6.5.3 Existing parking controls within Archers Road and adjoining streets will prevent any parking overspill from prejudicing highway safety. It should also be noted that appeal decision ref APP/D1780/W/15/3131646 also held that a residents parking

survey is not required necessary in this location due to existing on-street parking controls and because of the edge of city centre locality.

- 6.5.5 It should also be noted that 20 flats with 10 car parking spaces were supported in this locality on appeal at the neighbouring Simco Court development. On this site the appeal inspector again held:

“Being on the edge of the City centre, with good public transport facilities and where there is easy access to a wide range of shops and essential services, I regard the site as being within a highly sustainable location. In such circumstances, where the reliance on the use of the private car should be minimised, it is appropriate in my conclusion that the number of available car parking spaces within new developments should reflect these considerations. Such an approach is in tune with development plan policies and reflects the guidance set out in the Framework, for instance at Paragraphs 34 and 39.”

Furthermore the Inspector provided the comments in relation to parking overspill concerns:

“18. At the time of my site visit around midday there were a number of available parking spaces in Northlands Road. A maximum waiting time of two hours was permissible and in this way commuters to the City centre were not able to park on the road throughout the day. Unrestricted parking is available between 1800hrs and 0900hrs and many of the potential parking spaces available to the occupants of the flats would be visible from their windows.

19. As a general point, both National and Local policy is aimed towards restricting the use of the private car and one of the tools which is available to achieve that objective is a restriction of on-site car parking provision within new developments located in sustainable positions. The adopted policies and SPD of the Council follow this approach and I do not consider that there are any reasons in this case why an exception to established and up to date policy should be made. Subject to the provision of cycle storage areas within the development, and in this highly sustainable location, it seems to me that the level of car parking provision to be made within the development is both appropriate and acceptable. Inevitably some cars will park on Northlands Road but that is insufficient as a reason to resist the development on this issue.”

6.6 Development Mitigation

- 6.6.1 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent

Disturbance Mitigation Project (SDMP), requiring a financial contribution of £176 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

7.0 Summary

7.1 Overall the proposed fourth storey extension comprising 2 additional 2-bed flats will not result in an adverse impact on the amenities enjoyed by surrounding occupiers, highway safety issues or to the character and appearance of the area. Therefore the proposals are consistent with adopted local planning policies.

8.0 Conclusion

8.1 As such, the application is recommended for approval subject to securing the matters set out in the recommendations section of this report 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)(d), 4(f) & (qq), 6(c)

AG for 14/03/2017 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. Hours of work for Demolition / Clearance / Construction (Performance)

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.

04. Bonfires (Performance Condition)

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

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

05. Construction Management Plan (Pre-Commencement)

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.

06. Parking (Pre-Occupation)

The parking including the restriction of space 8 and the works to the front boundary affecting access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

07. Refuse & Recycling (Performance)

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.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

08. Cycle storage facilities (Pre-Commencement Condition)

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

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

09. Energy & Water (Pre-Commencement)

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).

10. 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).

11. APPROVAL CONDITION - Privacy Screens and Chimneys

The privacy screens serving the roof terraces and the chimneys as shown on the approved plans shall be fully installed prior to first occupation of the flats hereby approved and thereafter retained as agreed.

Reason: In the interests of the residential amenities of neighbouring occupiers and to secure a satisfactory form of development

12. Approved Plans

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

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

Note to Applicant: Please note that it is Council policy not to issue parking permits to new residential flats

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

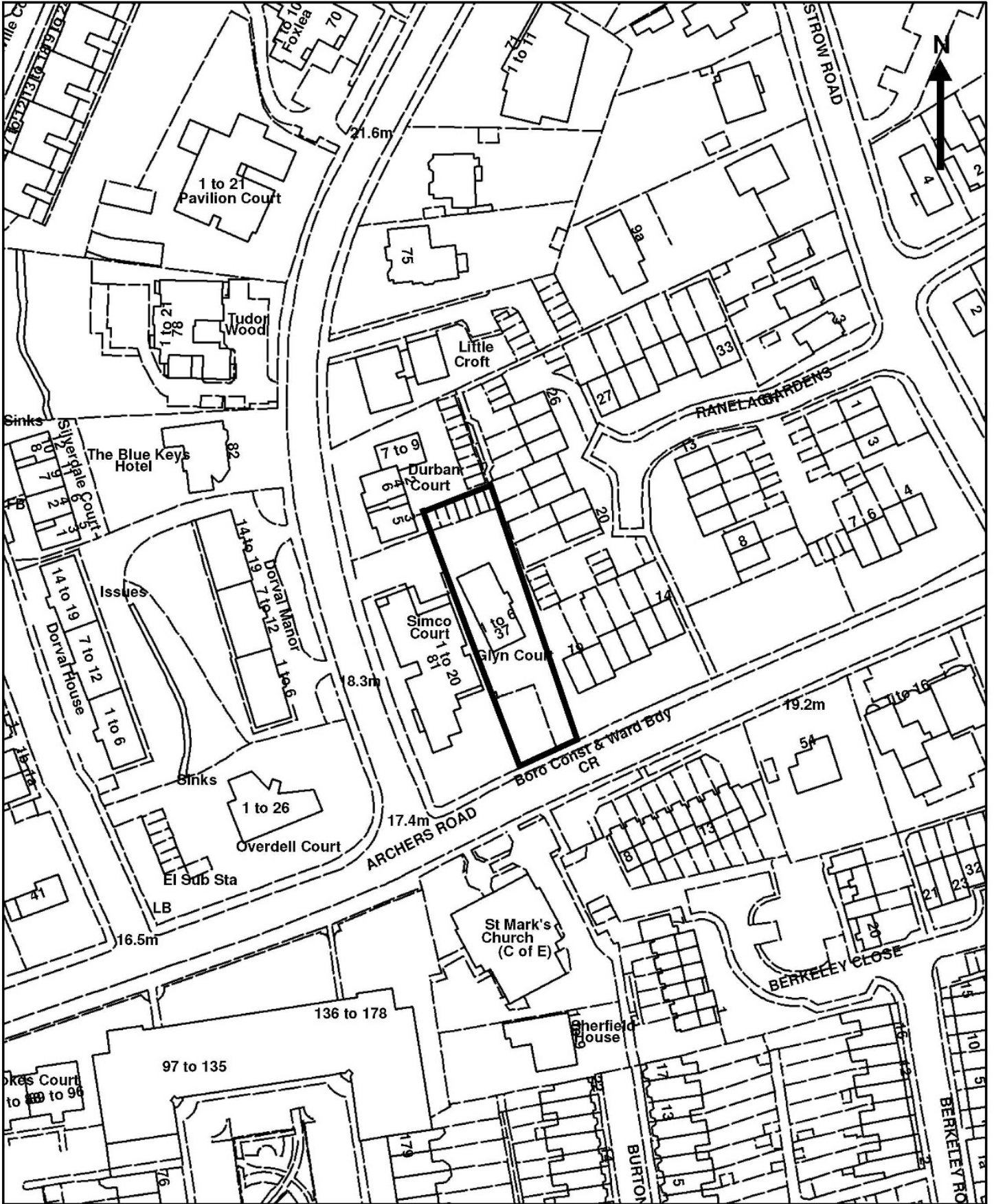
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously 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)



Scale: 1:1,250

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Agenda Item 9

Planning and Rights of Way Panel 14th March 2017 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 267-271 Portswood Road, Southampton			
Proposed development: Change of use from bank (Class A2) to a restaurant/Cafe (Class A3) and installation of extraction flue.			
Application number	16/02101/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	01.02.2017 (Extension of Time Agreement)	Ward	Portswood
Reason for Panel Referral:	5 or more objections have been received	Ward Councillors	Cllr O'Neill Cllr Claisse Cllr Savage

Applicant: Musker	Agent: Ellis and Partners
Recommendation Summary	Conditionally Approve
Community Infrastructure Levy Liable	No

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 as detailed in the report to the Planning & Rights of Way Panel on 14th March 2017 have been considered. The proposal will bring this vacant and prominent locally listed building back into use. Furthermore the site is located within Portswood District Centre where change of use to ground floor A3 restaurant use is policy compliant. The impacts of the scheme on the character of area and adjacent neighbouring properties are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS3, CS4 and CS19 of the Core Strategy (2015) saved policies SDP1, SDP4, SDP5, SDP7, SDP9, HE4, CLT15, REI5 and REI7 of the adopted City of Southampton Local Plan Review (Amended 2015), Parking Standards (2011) and the National Planning Policy Framework (2012).

Appendix attached			
1	Development Plan Policies	2	Permitted Hours of Nearby Premises

Recommendation in Full

Conditionally Approve

1.0 The site and its context

- 1.1 The application site comprises the vacant former Lloyds Bank Building, located at the corner of Portswood Road and Highfield Lane within the defined Portswood District Centre. The building is on the Council's list of locally important buildings of architectural or historic interest (the Local List) described as a prominent corner building and typical of its period (c1920). Pedestrian access into the building is taken from Portswood Road. The site does not have any on-site parking or dedicated servicing area for delivery vehicles, however rear external pedestrian access is available to a small rear yard area via the side passageway of 273 Portswood Road.
- 1.2 The surrounding area has a mixed commercial and residential character. The adjoining building to the north-east (273 Portswood Road) comprises a restaurant. The building on the opposite side of Highfield Lane comprises a restaurant / take-away and a supermarket, and food and drink establishments are located on the opposite side of Portswood Road. The neighbouring site to the rear comprises retirement flats (Victoria Lodge). Dwelling houses are also located to the north-east beyond 273 Portswood Road. Double yellow lines are in place outside the site, to prevent parking at the junction.

2.0 Proposal

- 2.1 The proposal seeks a change of use of the premises from planning use class A2 (Bank) to planning use class A3 (restaurant / café). No external alterations are proposed to the building, other than the installation of a kitchen extraction flue to the rear. The proposed restaurant layout locates the food preparation / kitchen area to the front of the building and an internal glass bottle storage area is incorporated within the building. Refuse bins are proposed to be stored in the rear yard area to be serviced by private collection.
- 2.2 The application does not propose any designated external dining or smoking areas. Any necessary signage will require separate advertisement consent. The applicants have confirmed they are seeking the following hours of use: 11am until 11pm, 7 days a week.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for

decision making purposes, unless otherwise indicated.

3.3 Policy CS3 of the Core Strategy supports the role of District Centre in meeting the week to week needs of the local community. Saved policy REI5 (District Centres) sets out that ground floor A3 uses will be permitted in District Centre locations. Similarly, policy REI7 (Food and Drink Uses) permits A3 uses in District Centre locations providing that suitable conditions are used to control the impact on amenity to local residents from disturbance and nuisance caused by cooking odours and noise. Saved policy CLT15 of the Local Plan accepts the principle of night-time uses within District Centre Locations. There are no limits imposed through adopted policy on the maximum number of A3-A5 uses allowed within the District Centre.

3.4 Saved policy SDP1(i) seeks to protect the amenity of local residents, whilst policy SDP16 will not permit noise generating development if it would cause an unacceptable level of noise impact to nearby sensitive noise uses.

4.0 Relevant Planning History

4.1 There is a separate planning application pending on this site which seeks erection of additional two storeys above existing building to create 8 flats (6 x one bed and 2 x two bed) with ground floor alterations to facilitate access (ref 17/00005/FUL). This application remains under consideration and should officers be minded to recommend approval, the application will be referred to the Planning & Rights of Way Panel for determination because more than five representations have been received.

5.0 Consultation Responses and Notification Representations

5.1 The proposal would have an adverse impact on amenity of nearby residential properties from noise disturbance caused by patrons returning home as they walk through nearby residential streets.

Response

The surrounding area has a mixed residential and commercial character and a restaurant use is acceptable in principle within Portswood District Centre. The application proposes a closing time of 23:00 which is slightly earlier than the 12:00 closing that is typically considered to be acceptable within Portswood District Centre. Indeed, there are a number of late night premises in the local area, including food and drink uses, which operate until midnight, including premises that the Council has approved and those which have been approved by the Secretary of State at appeal (see appendix 2). Therefore, it is considered that allowing the premises to operate until 23:00 will not present any further material harm to the amenity of local residents. Whilst recognising the relationship between the District Centre and its residential neighbours.

5.2 There is already an over provision of food and drink outlets in the district centre.

Response

The Council's adopted Development Plan policies recognise that food and drink uses can play an important role in maintaining the vitality and viability of retail centres and as such, support them in this location. The adopted Development Plan policies do not set a limit for the number of non-retail uses or food and drink uses within the District Centre nor do they prevent clustering of food and drink establishments. Night-time uses are an integral part of city life but in recognition of the impacts that such uses can have on residential amenity, the Council's policies

guide them to City, Town and District Centre locations. Furthermore, it is considered that the nature of the use, as a restaurant, is less disruptive to residential amenity, than other late night uses within the vicinity of the site. The criteria of policy SDP7 are relevant and issues such as noise and odour impacts have been addressed.

5.3 Lack of car parking.

Response

The site does not have any dedicated parking. The District Centre is a sustainable location where car free development can be supported. The area is well served by regular bus services and is accessible to the local community. The existing bank use was also car free and any new use would face the same issue.

5.4 Impact of noise.

Response

No objection has been raised by the Council's Environmental Health Team in regards to noise impact. The building is of thick masonry construction and the food preparation area is located to the front of the building away from the party wall. The glass bottle storage area is located within the building to prevent noise nuisance within the rear yard area. There are multiple sets of doors at the rear of the building to prevent adverse noise breakout from the kitchen or restaurant when the rear door is opened to access the refuse store / rear yard area. A waste management plan submitted with the application indicates that refuse collection will take place after 9am in the morning.

The site is located within the District Centre where food and drink uses are supported in principle. There is existing background noise from neighbouring commercial uses and road traffic within the District Centre. A planning condition is recommended to ensure that any mechanical extraction equipment is acoustically treated to prevent adverse noise disturbance.

5.5 Impact of Odour

Response

Kitchen extraction equipment details will be reserved by condition to ensure that appropriate odour filtration measures are agreed with the Council's environmental health teams to prevent adverse odour nuisance.

5.6 Impact of deliveries and servicing on highway safety

Response

Refuse and food deliveries will be carried out via the side passageway next to 273 Portswood Road and not outside the main entrance into the building. Servicing from 273 Portswood Road is considered a sufficient distance away from the traffic controlled junction as not to cause harmful obstruction to the flow of traffic on Portswood Road and Highfield Lane. Furthermore the servicing arrangements will therefore be the same at the current arrangements for servicing the Thai Restaurant at 273 Portswood Road.

5.7 Adverse lighting impact

Response

External lighting details can be reserved by condition to ensure low level lighting is used within the rear yard area. The existing rear boundary wall will ensure there is

no adverse lighting impact from rear windows or low level lighting.

Consultation Responses

5.6 SCC Highways - No objection

No objection providing that deliveries and servicing takes place via the passageway to the side of 273 Portswood Road rather than immediately adjacent to the traffic controlled junction. Bins should be located in the dedicated store and not left on the public highway

5.7 SCC Heritage Conservation officer - No objection

The applicants should note that the building is Locally Listed (added to the List in 1998). It will be important that any signage is sympathetic to the host building, and should be externally illuminated in preference to internally illuminated.

5.8 SCC Environmental Health (Pollution & Safety) - No objection subject to the following recommendations/conditions;

A report on the specification and installation of the flue is required to ensure that it is appropriate for the type of business and that noise and odour nuisance is unlikely to be an issue. Also refuse arrangements need to be considered in terms of a secure, but accessible bin store that is large enough to contain sufficient bins and can be cleaned. Access to the store needs to be appropriate as to minimise bins being left on the pavement.

6.0 Planning Consideration Key Issues

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

- Principle of Development;
- Impact on residential amenity;
- Impact on the character of the area and;
- Impact on highway safety

6.3 Principle of Development

6.3.1 The principle of the A3 restaurant use in Portswood District Centre is supported by saved Local Plan policies REI4 (Secondary Retail Frontages) and REI5 (District Centres). The proposed development would bring this vacant locally listed building back into use and would therefore support the vitality and viability of the District Centre. Furthermore, saved policy CLT15 of the Local Plan supports night-time uses in Portswood District Centre. The principle of development is, therefore, acceptable.

6.4 Impact on residential amenity

6.4.1 The proposal is not considered to adversely harm the residential amenities of neighbouring occupiers. Victoria Lodge retirement accommodation occupies the adjoining site to the north-west. The proposal is not considered likely to generate harmful noise nuisance having regard to existing background noise levels from neighbouring commercial uses and traffic noise. The existing masonry building fabric and internal restaurant layout will mitigate against any impact by locating the kitchen and internal glass storage area to the front of the building and away from the party wall. For the avoidance of doubt a planning condition will be added to ensure that appropriate soundproofing is in place to prevent noise disturbance

through the party wall.

- 6.4.2 Environmental Health have no objection to the proposal subject to planning conditions to secure appropriate kitchen extraction equipment to prevent adverse odour and noise disturbance and also to secure appropriate refuse storage.
- 6.4.3 In terms of the proposed hours of use, it is considered the closing hours of 23:00 is appropriate within a District Centre location and it is noted that the application proposes lesser hours of operation than is typically considered to be acceptable in such locations (Appendix 2 refers).
- 6.4.4 Overall, a restaurant use is not considered to be overly disruptive to residential amenity when compared with other late night uses within the locality. The proposed closing hour of 23:00 would accord with other similar uses within the District Centre which have a midnight closing hour, and moreover, is considered to be an appropriate termination time within commercial centres of this nature. As such, it is considered that the proposed hours of operation would not adversely affect the amenity of local residents. The neighbouring Thai Restaurant is licensed until 00.30.

6.5 Impact on the character and appearance of the area

- 6.5.1 The proposal seeks retention and re-use of this prominent locally listed building without any external alterations and therefore the proposal will not adversely harm the character and appearance of the building or the visual amenities of the area. Bringing a vacant building back into use is to be encouraged in principle.

6.6 Impact on highway safety

- 6.6.1 No car parking is available to serve the unit however, the site is located on a main bus route and there are car parks available within the vicinity of the site. Furthermore, the nature of the District Centre is to meet the needs of the local community and so the provision of no car parking is considered to be acceptable. The rear of the site is accessed by pedestrians only via a passageway to the side of no. 273 Portswood Road and therefore servicing vehicles can wait a sufficient distance away from traffic controlled junction to prevent harmful obstruction to the flow of traffic on Portswood Road. Adequate bin storage provision is made to the rear which will be serviced by private collection with smaller refuse trucks.

7.0 Summary

- 7.1 The provision of a restaurant use within the Portswood District Centre is in accordance with the Council's adopted Development Plan policies. Furthermore, the proposal would bring a vacant locally listed building back into active use which would have a positive impact on the vitality and viability of the Centre. No external alterations are proposed other than a rear flue and therefore the change of use is considered to be in keeping with the site and surroundings and with the imposition of the conditions suggested below, the proposal would not have a harmful impact on residential amenity. A similar conclusion was recently reached when the panel considered application ref 14/01981/FUL at 253 Portswood Road and 15/01285/FUL at 225 Portswood Road.

8.0 Conclusion

8.1 The proposal is judged to have an acceptable impact and, therefore, can be supported for conditional approval.

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

1(a)(b)(c)(d), 2(b)(d), 4(f) & (qq), 6(c)

AG for 14/03/2017 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. Hours of Use (Performance)

The use hereby approved shall not operate outside the following hours:
Monday to Sunday 11am - 11pm

Reason: To achieve a balance between protecting the amenities of nearby occupiers and maintaining the vitality and viability of Portswood District Centre.

03. Extract Ventilation (Pre-Commencement)

No development shall take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings before the development first comes into occupation.

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

04. Refuse & Recycling and Deliveries (Pre-Commencement)

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Refuse Management Plan by Century Group dated 24.02.17. All refuse and delivery vehicles shall service the site adjacent to 273 Portswood Road and no servicing vehicles shall wait or park at the Portswood Road / Highfield Lane traffic light controlled junction.

The refuse storage shall be provided in accordance with the plans hereby approved before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

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

05. Hours of work for Demolition / Clearance / Construction (Performance)

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.

06. APPROVAL CONDITION - External area to rear of building (Performance Condition)

Unless otherwise agreed in writing with the Local Planning Authority, the external area to the rear of the building shall only be used for rear access and refuse and cycle storage. The area shall not be used as an external dining or smoking area for customers.

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

07. External Lighting Scheme (Pre-Commencement)

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

Reason: In the interest of residential amenity.

APPROVAL CONDITION – Soundproofing Measures (internal noise source) [Pre-Commencement Condition]

Prior to the commencement of the development hereby approved, an acoustic assessment shall be submitted and agreed in writing to the Local Planning Authority which assess the acoustic performance of the building in relation to the adjacent retirement flats within Victoria Lodge and provides details of any necessary soundproofing to mitigate any noise impact.

Any soundproofing measures shall be implemented before the use hereby approved commences and thereafter retained as approved.

Reason:

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

08. Approved Plans

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

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3 Town, District and Local Centres
CS19 Car & Cycle Parking

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

SDP1 Quality of Development
SDP4 Development Access
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP16 Noise
HE4 Local List
CLT15 Late night uses in Town, District and Local Centres
REI5 District Centre
REI7 Food and Drink Uses

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

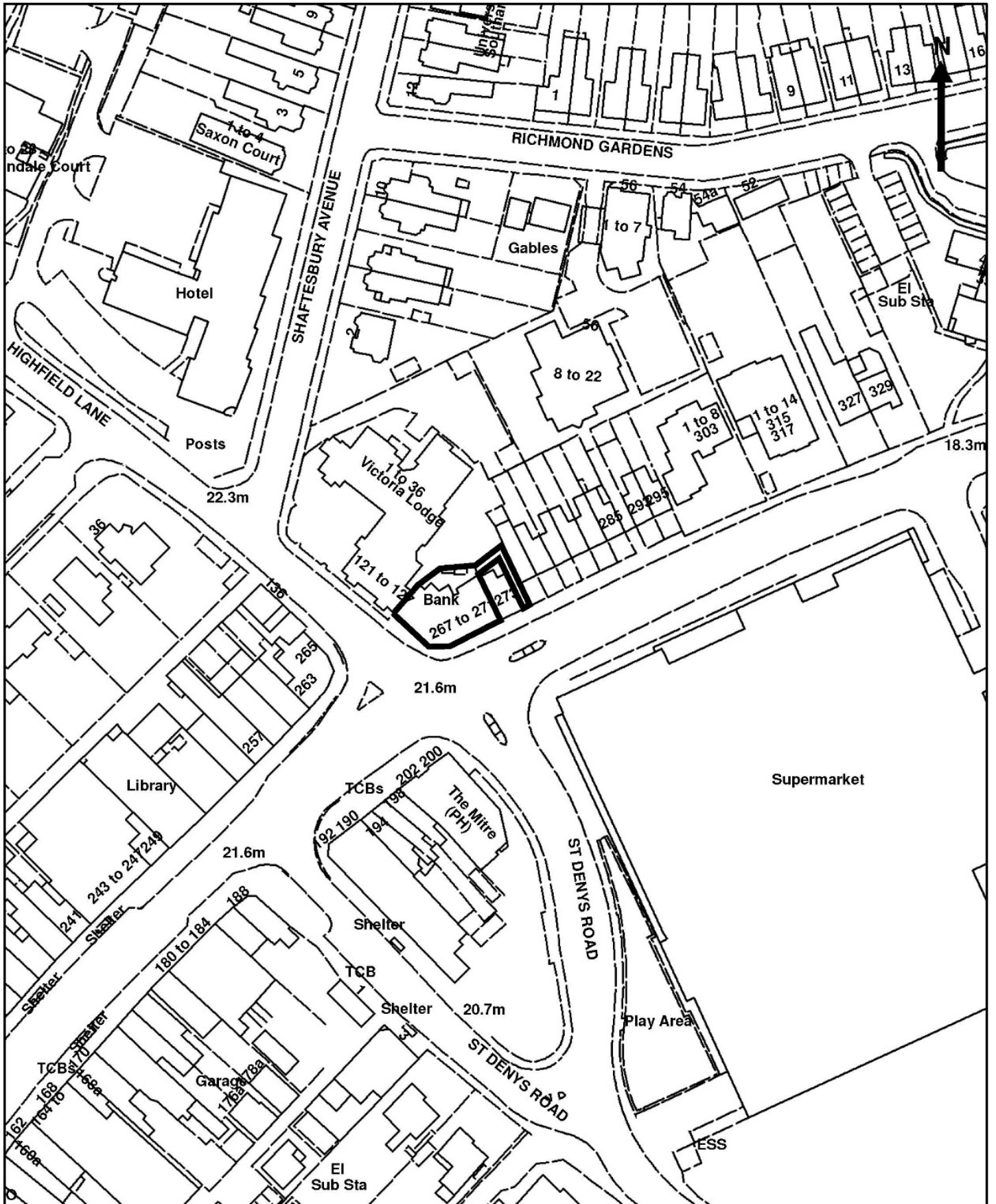
Other Relevant Guidance

The National Planning Policy Framework (2012)

Table 1: Permitted Hours of Operation in Portswood

Address	Application Reference	Permitted Hours (Planning)
The Brook Inn	05/01220/VC	11:00 to 1:30 Monday to Thursday 11:00 to 2:30 Fridays & Saturdays 12:00 to 00:30 Sundays
Units 5-6 The Portswood Centre	07/02055/VC	09:00 to 00:00 daily
Unit 7 The Portswood Centre	09/01208/FUL 14/01355/FUL	08:00 to 1:00 Sundays to Thursdays 08:00 to 2:00 Fridays and Saturdays
29-31 Portswood Road	13/00796/FUL	11:00 to 00:00
104 Portswood Road	12/00785/FUL	09:00 to 00:00
160 Portswood Road	12/00618/FUL	07:00 to 00:00 daily
225 Portswood Road	15/01285/FUL	11:00 to 23:00 Monday to Sunday
253 Portswood Road	14/01981/FUL	07:00 to 00:00 daily
265 Portswood Road	99/01025/VC	Sundays until 00:00 Fridays and Saturdays until 01:00

Please also note that the Thai Restaurant at 273 Portswood Road is licensed until 00.30.



Scale: 1:1,250

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 14th March 2017
 Planning Application Report of the Service Lead- Infrastructure, Planning &
 Development**

Application address: 21-22 Hanover Buildings			
Proposed development: Change of use of ground floor from use classes A1/A2/A3 to use class D1 for a meditation centre.			
Application number	17/00055/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	07.03.2017	Ward	Bargate Ward
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	Cllr Bogle	Reason:	Support for concerns of residents given local interest

Applicant: Ms Alyson Evans	Agent: N/A
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. 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 and SDP5 of the City of Southampton Local Plan Review (Amended 2015); CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015); AP5 of the City Centre Action Plan (2015).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The site is identified as a secondary retail frontage within the defined city centre, overlooking Houndwell Park which is a registered park. The surrounding area is primarily commercial in nature. The proposal relates to two ground floor commercial units fronting onto the street, with the upper parts of the building having recently been given permission for redevelopment for additional residential accommodation.

2. Proposal

- 2.1 The application proposes converting the existing vacant ground floor commercial units for use as a meeting and meditation use (falling within Class D1). There would be other ancillary elements including a small retail element (book/gift shop) and the sale of tea/coffee on the premises.

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) and the City Centre Action Plan (adopted 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 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 The full planning history is outlined in **Appendix 2**. There has been a recent application on the site in relation to the upper and ground floors (retaining the commercial units at ground floor level). The ground floor units, to which the proposal relates, have been vacant for some time.

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 **3** representations have been received from surrounding residents. The following is a summary of the points raised

- 5.2 ***The proposal will be harmful to retail frontage, by frosting half of the window fronting onto the highway***

Response: Following the submission of amended plans, the applicant now proposes an active retail frontage onto the street scene.

- 5.3 ***An alternative location for the use would be more appropriate.***

Response: The application has been submitted and will be assessed on its individual merits. Policy CS3 of the Core Strategy supports non-residential uses, including community uses within the city centre

5.4 ***The proposal would place an additional strain on local highways infrastructure.***

Response: The city centre is a highly accessible location in terms of public and private transport links and therefore appropriate for uses which attract members of the public. As such, no objection has been raised by the highways team to the proposal.

5.5 ***The development is contrary to policies in the City Centre Action Plan which promotes retail uses and provision of jobs in the city centre.***

Response: The area is identified as secondary retail frontage in the City Centre Action Plan, with the relevant policy, AP5, supporting uses other than retail in this location which offer a direct service to the public.

Consultation Responses

5.6 **Cllr Bogle** – Support for concerns of local residents.

5.7 **Highways** – No objection

5.8 **Environmental Health** – No objection.

5.9 **Historic Environment** – No objection

6. Planning Consideration Key Issues

6.1 The application proposes relatively minor physical alterations to the existing site to internally link the existing two commercial units. The original proposal included obscure glazing half of the unit frontage, however following submission of amended plans, this element of the scheme has been removed and the application currently proposes the retention of the existing shop front.

6.2 Retail frontage

6.2.1 The site is identified as a secondary retail frontage in the City Centre Action Plan. In accordance with Policy AP5, and supported by AP28, there is an expectation that uses in this area provide a direct service to the public whilst maintaining an active commercial frontage to the street. The policy goes onto clarify that such service uses can include community uses. Following the submission of amended plans to retain the existing frontage, the principle of the proposal use in accordance with Policy AP5.

6.3 Specific use

6.3.1 Class D1 uses have a wide variety of associated impacts for different uses. Given the details provided of the specific meditation centre use proposed, it is considered that the potential impacts are acceptable given the facilities and amenities of the site. The location in the city centre is highly accessible by public transport, with restrictions on nearby on-road parking limiting the potential for overspill parking and public car parks available in the vicinity of the site. A condition is recommended to restrict the nature of the use to that outlined in the proposed development in order to ensure that these issues remain in accordance with the information submitted

7. Summary

7.1 The principle of the development is considered to comply with the relevant policies and guidance and it is considered that other issues can be controlled through the use of conditions.

8. Conclusion

- 8.1 For the reasons discussed above, the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

JF1 for 14/03/2017 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. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only as a meditation centre (as indicated in the submitted details) and not for any other purpose, including any other use within Use Class D1.

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

03. Active frontages (Performance)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (or any Regulation revoking, amending or re-enacting that Regulation) the ground floor windows fronting onto the highway shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls). The development shall be laid out in accordance with the submitted floor plan so as to retain an active retail frontage.

Reason: In the interests of retaining a lively and attractive streetscene.

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 - (as amended 2015)

CS1	City Centre Approach
CS3	Town, district and local centres, community hubs and community facilities
CS13	Fundamentals of Design
CS19	Car and Cycle Parking

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

SDP1	Quality of Development
SDP5	Parking

City Centre Action Plan (2015)

AP5	Supporting existing retail areas
AP28	Bargate sites (East of Castle Way, Bargate Shopping Centre and Hanover Buildings)

Supplementary Planning Guidance

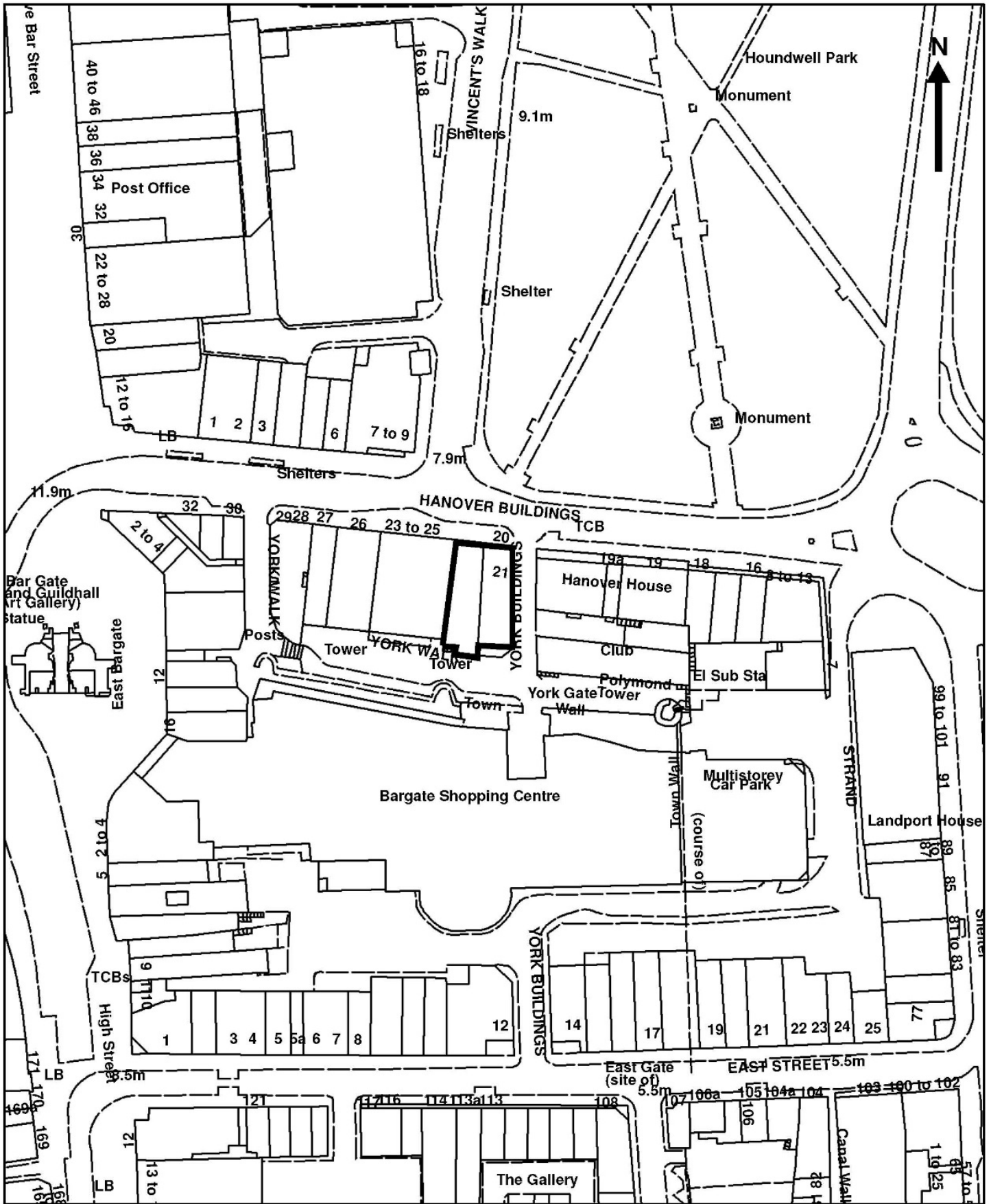
Parking Standards SPD (2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

16/00730/FUL, Erection of one additional floor, extensions and external alterations to create 7 additional flats (10 in total; 6x 1-bed, 4x 2-bed) and retention of ground floor commercial units (class A1,A2 or A3) with associated cycle/refuse storage
Conditionally Approved, 18.11.2016



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Planning and Rights of Way Panel 14th March 2017
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 6 Spindlewood Close			
Proposed development: Replacement roof to create additional floor, first floor front extension and balcony.			
Application number	16/01807/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	14.12.2016	Ward	Bassett Ward
Reason for Panel Referral:	Request by Ward Member	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides
Referred to Panel by:	Cllr B Harris	Reason:	Out of character and harmful impact on amenity of neighbouring occupiers
Applicant: Mrs D Lally		Agent: George Tutte	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (Amended 2015); CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015); BAS4 of the Bassett Neighbourhood Development Plan (2016).

Appendix attached			
1	Development Plan Policies	2	Site history

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The site is situated within the ward of Bassett and the surrounding area is typical of the ward, with large detached houses set within reasonable gardens and a significant amount of vegetation. There is a significant change in site levels across the site, which rises sharply to the rear (such that the dwelling is 2-storey to the front and single storey to the rear). The properties immediately surrounding the site have a mix in terms of both design and layout.

2. Proposal

- 2.1 The application proposes a significant number of alterations to the original property, including a two-storey front extension, alterations and raising of the roof form to allow additional accommodation in the roof space, a balcony to the front and dormers to the front and rear.

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), the City of Southampton Core Strategy (as amended 2015) and the Bassett Neighbourhood Development Plan (2016). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 The full planning history is outlined in **Appendix 2**. A previous application on this site was recently refused. This application proposed more significant alterations to the front of the property (to include a 3-storey front extension) and additional dormers to the rear and was refused on the basis of the impact of the physical alterations on the character of the property within the street scene and the reliance on side facing windows which overlooked a neighbouring property.
- 4.2 An application in 2015 (under application reference 15/00468/FUL) gave permission for similar works to be undertaken to the adjacent property at 5 Spindlewood Close. This application has been implemented and forms part of the immediate context of the site.

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 **1** representation has been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Loss of protected trees***

Response: Some time ago the applicant removed a number of protected trees from the site without permission. The Trees team is aware of this and is considering further action under the relevant legislation. Having reviewed the details it does not appear that this issue relates directly to the development currently being considered and, as such, it would be unreasonable to require conditions controlling this as part of the current proposal.

5.3 ***Overlooking of neighbouring properties***

Response: This issue is addressed in more detail in section 6 below. It is not considered that the proposal results in harmful overlooking given the set back and screening between properties.

Consultation Responses

5.4 **Cllr B Harris** – Out of character and harmful impact on amenity of neighbouring occupiers.

5.5 **East Bassett Residents Association** – Proposal is relatively unchanged from previously refused scheme and should be refused on the same grounds.

5.6 **Trees** – No objection following discussion regarding relationship to proposal and removed trees.

6. Planning Consideration Key Issues

6.1 As no change of use is being considered as part of this planning application, the main considerations are the impact of the proposed physical alterations on the overall character of the host dwelling within the surrounding area and; the impact on the amenities of the occupiers of the host dwelling and neighbouring properties.

6.2 Character

6.2.1 Whilst the application does propose increasing the overall height of the main dwelling, it is noted that there is significant variation in the overall design and appearance of dwellings in the immediate street scene. A number of neighbouring properties (including the immediately neighbouring property at number 5) have a similar overall design to that proposed. A number of other properties in the immediate surroundings also have a similar relationship with a balcony to the front.

6.2.2 One of the issues on which the previous application was refused was the impact and forward projection of a three-storey extension to the front with gable end roof forms onto the street. The design has been amended to a two-storey extension using a hipped roof form to minimise the massing and a single storey element with a balcony above.

6.2.3 Following the alterations to the design and reduction in scale of the front extension from the previously refused scheme, taking into account the mixed character and design approach in the surrounding area, it is not considered that the proposal will have a significantly harmful impact in terms of the character of the surrounding street scene.

6.3 Amenity

- 6.3.1 One of the issues on which the previous consent was refused was the reliance on a side facing bedroom window with the potential to overlook one of the neighbouring properties. The proposal has been amended to avoid relying on side facing windows serving habitable rooms, with the rooms in the roof being served by front and rear facing windows. This ensures no harmful overlooking of the neighbouring properties and good outlook and daylight to rooms within the application property. There is a roof (identified as 'rest room') which only benefits from roof light windows however, the use of the room would remain within the control of the applicant and other suitable living space is available, meaning an overall good residential environment for the application property is retained.
- 6.3.2 Given the orientation and position of properties in the street, it is not considered that the balcony will provide the opportunity for overlooking of neighbouring properties. Taking into account the nature of the proposed alterations (with the primary extension to the front), it is not considered that the proposal will significantly impact neighbouring occupiers in terms of the creation of an overbearing or overshadowing form of development. Increasing the roof height will have some impact, primarily on the property at 5, however given the orientation of this property to the south and extent of the works it is not felt that this would be significantly harmful.
- 6.3.3 The proposal does introduce a number of rear facing windows at 2-storey level. Section 2.2.4 of the Councils Residential Design Guide outlines a typical back to back distance between 2 storey-dwellings should be at least 21m to mitigate potential concerns. The properties on Glenwood Avenue are set at a higher level than the application site and there is retained vegetative screening between the properties. Overall it is considered that the 32m separation between these properties, in addition to the other factors, is sufficient to address any potential overlooking concerns.

7. Summary

- 7.1 The application proposes a number of physical alterations to the existing building. Broadly it is considered that the amendments to the previously refused scheme have addressed the primary concerns and the current proposal integrates into the character of the area while not having a harmful impact on the amenity of neighbouring occupiers.

8. Conclusion

- 8.1 For the reasons discussed above, the application is recommended for conditional approval.

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

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

JF for 14/03/2017 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. Materials to match (Performance Condition)

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

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

03. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

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 - (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

Bassett Neighbourhood Plan (2016)

BAS4 Character and Design

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

16/00693/FUL, Three storey front extension, roof alterations to create second floor accommodation and fenestration changes with addition of balcony to part of front elevation.

Refused, 14.07.2016

Reason for refusal - Unacceptable impact on character and amenity

The proposed development, by means of design and layout, represents an unsympathetic and un-neighbourly form of development, harming the visual amenity of the street scene and the introduction of harmful overlooking of a neighbouring property. The proposal thereby proves contrary to saved policies SDP1(i), SDP7(iii)(iv) and SDP9(i)(iv)(v) of the adopted City of Southampton Local Plan Review (March 2006) and CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010), with particular reference to sections 2.2.1, 2.2.7, 2.3.1-2, 2.3.9 and 2.5.2-4 of the Residential Design Guide.

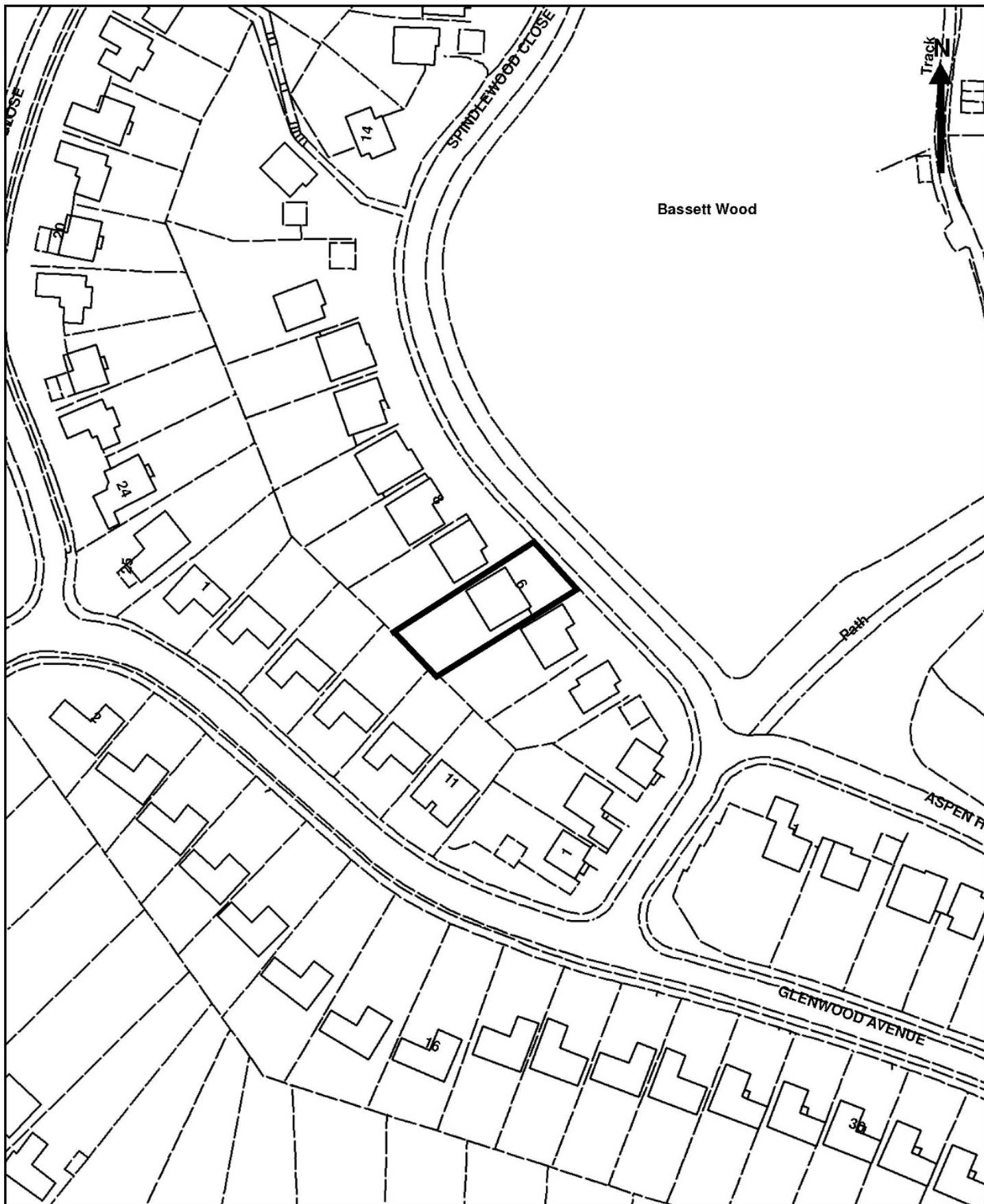
08/00929/FUL, Conversion of existing garage into a habitable room.
Conditionally Approved, 01.10.2008

970107/W, Retention of a conservatory
Approved, 12.03.1997

5 Spindlewood Close

15/00468/FUL, Reconstruction of the roof to provide additional accommodation with dormer windows to the rear with associated external alterations including a balcony to the front elevation

Conditionally Approved, 30.04.2015



Scale: 1:1,250

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Planning and Rights of Way Panel 14th March 2017
Planning Application Report of the Service Lead; Infrastructure, Planning and Development

Application address: Flat 1, 19 Darwin Road, Southampton			
Proposed development: Erection of a single storey rear extension			
Application number	16/01926/FUL	Application type	FUL
Case officer	Mat Pidgeon	Public speaking time	5 minutes
Last date for determination:	16.01.2017	Ward	Freemantle
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton
Applicant: Mr Rana		Agent: ACA Design Limited, Mr Amrik Chahal.	
Recommendation Summary		Conditionally approve	
Community Infrastructure Levy Liable		No	

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 including neighbouring amenity, parking pressure and the quality of the residential environment created 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 and SDP9 of the City of Southampton Local Plan Review (March 2006), and CS13 and of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full
Conditionally approve

1. The site and its context

- 1.1 The property is a semi-detached two-storey dwelling house located on the southern side of Darwin Road between the junctions of Atherley Road and Thornbury Avenue. The property has been subdivided into four separate flats, two on each floor.

2. Proposal

- 2.1 The application proposes a single storey rear extension to the main part of the building on its eastern side. The proposed extension would have a flat roof approximately 3.1m metres from ground level, be constructed of brickwork to match the existing and a white upvc obscurely glazed window to match the existing windows on the building. Only one window is proposed and it would be positioned in the southern elevation. The depth of the extension would be 1.8m and the width would be 2.4m.
- 2.2 The application also includes moving the window serving a habitable room in the flat to the rear of the building (flat 2) further to the south. The building is within the same ownership allowing this to take place.

3. Relevant Planning Policy

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

4. Relevant Planning History

- 4.1 In 1970 planning permission was granted to convert the building into four separate flats.
- 4.2 In December 2009 planning permission was granted for a flat roof single storey rear extension to flat 2.

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. At the time of writing the report **5 representations** have been received from surrounding residents.
- 5.2 **The extensions would represent an overdevelopment of the site**
- 5.3 Comment The footprint of the dwelling would change relatively slightly as a consequence of the development and taking into account the property in relation to the plot, and that only limited views of the extension would be possible, it is considered that the proposal does not constitute an overdevelopment of the site. In addition it is noted that as a consequence no additional bedrooms are being created and there is no harm created to the

residential environment experienced by existing residents.

5.4 The proposals would be out of character

5.5 Comment Whilst the introduction of a small single storey extension would represent an introduction of differing design to the property, the extension will only be visible from the neighbouring property at number 17. The impact on character is not significant and does not justify refusal given the small scale nature of the extension proposed. Furthermore the extension would not be easily visible from the public realm thus the overall character of the dwelling will not be impacted. It is also noted that the structure could be constructed under permitted development rights if the structure was 3m in height or less (rather than 3.1m) and if the property was still a single dwelling house rather than having been separated into four flats.

5.6 Design - loss of windows to habitable room

5.7 Comment The design leads to the removal of a south facing habitable room window however there would remain a window in the side elevation of the bedroom ensuring that outlook, ventilation and light to the room will be achieved. The occupants also have access to the lounge/dining room to the front which provides alternative outlook. The quality of the residential environment created for the occupants will be acceptable as a consequence of the development. Furthermore the occupier of the flat to which this permission relates has not objected to this application.

5.8 Air pollution from traffic and parking pressure

5.9 Comment The proposed extension cannot be directly linked, in planning terms, to an increase in air pollution or parking pressure in the locality that would justify a refusal. The scheme does not result in a new residential unit being formed or an increase in the number of bedrooms within the building.

5.10 Noise

5.11 Comment The scheme does not result in a new residential unit being formed or an increase in the number of bedrooms within the building thus provided that residents behave reasonably there should be no reason that noise will increase as a result. The Council must plan for reasonable behaviour. There is separate legislation to manage noise generated from domestic properties.

6. Planning Consideration Key Issues

6.1 The application needs to be assessed in terms of:

- design and impact on the character of the building,
- impact on neighbouring residential amenity
- quality of the residential environment created.

Design and impact on the character of the building

6.2 The extension is at ground floor and has a footprint of just 4.3m square metres which will be sufficient to provide an improved bathroom for flat 1. The location is to the rear of the main section of the building so that it will not be easily visible from the public realm. The extension will be constructed of brick with uPVC windows and whilst it may appear unusual when viewed from the neighbour at number 17 it will not be a significantly harmful addition

in terms of character. The proposal would not warrant a refusal on the basis of impact on local character.

Impact on neighbouring residential amenity

- 6.3 Side facing windows in the west elevation of number 17 are obscurely glazed therefore outlook from the property will not be harmed as a consequence of the scheme. The extension will also not be overbearing or dominant when viewed from the side access or garden serving number 17.
- 6.4 As a consequence of negotiation with council officers the window serving a habitable room in the flat to the rear of the building (flat 2) will be moved further to the south to ensure that outlook enjoyed by the occupants will not be harmed by the proposed structure. A condition will be required to secure this.

Quality of the residential environment

- 6.5 As a consequence of the proposal the ground floor flat at the front of the property will be improved by moving the existing bathroom (which occupies space within the bedroom) into the extension thus increasing available floor space within the bedroom.

7. Summary

- 7.1 The proposed addition would not be visually prominent in the street, is considered to sufficiently preserve the character of the building, would not have a harmful impact on neighbouring residential amenity and would improve the residential environment created for the occupants. The concerns regarding parking are noted but not relevant to the development proposed for which approval is recommended.

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(d), 2(b), 2(d), 4(f), 6(a),

MG for 14/03/2017 PROW Panel

PLANNING 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. 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.

3. 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.

4. Window (Performance condition)

Prior to the first occupation of the improved bathroom extension hereby approved the window serving flat 2 shall be moved as detailed in the amended plan 2016/01 rev A received 10th Feb 2017.

Reason: To safeguard outlook from a neighbouring habitable room in the interests of neighbouring residential amenity.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

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

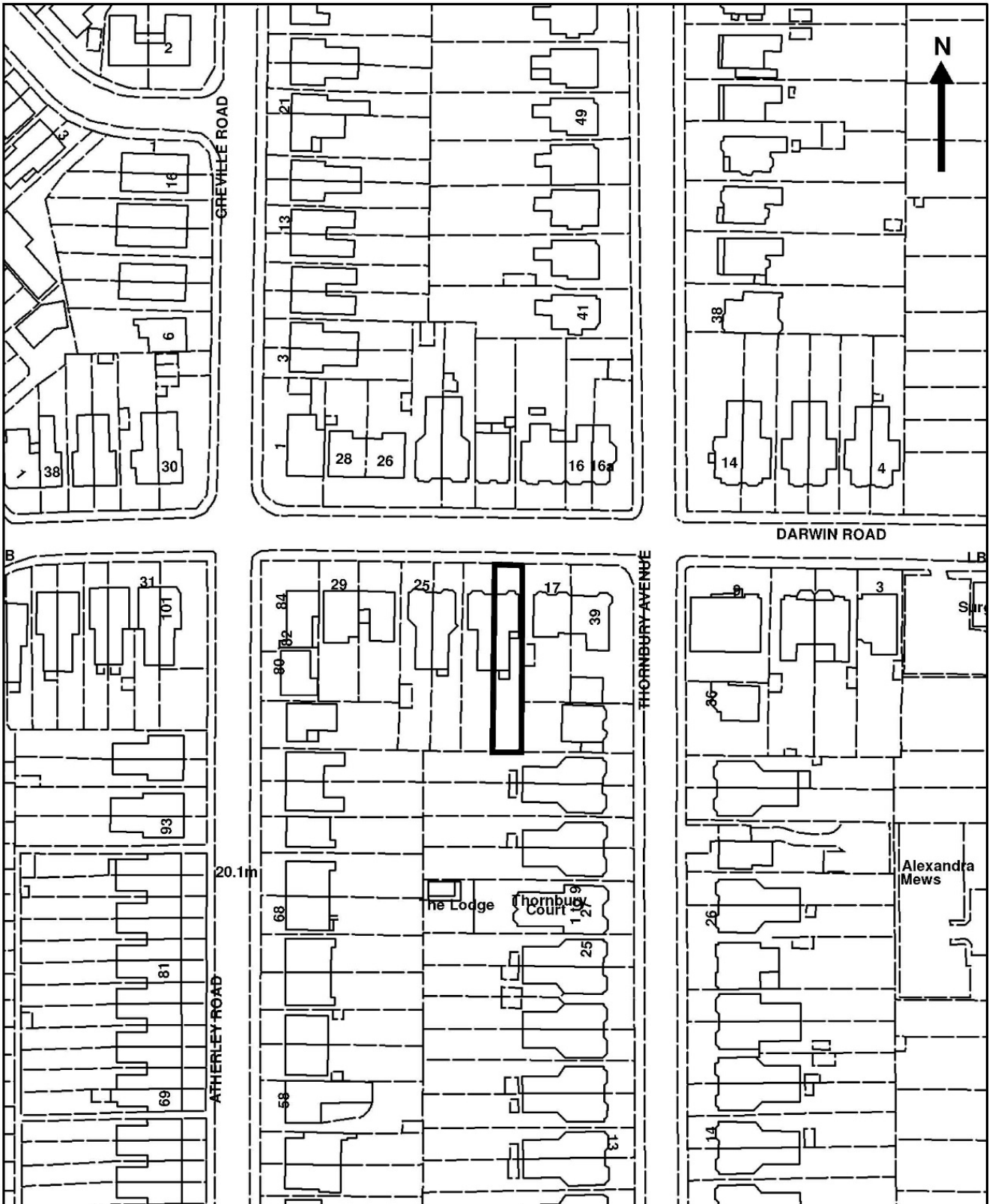
Supplementary Planning Guidance

Residential Design Guide (September 2006)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

16/01926/FUL



Scale: 1:1,250

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