

Planning and Rights of Way Panel

Tuesday, 11th July, 2017
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Denness (Chair)
Councillor Savage (Vice-Chair)
Councillor Barnes-Andrews
Councillor Claisse
Councillor Hecks
Councillor Murphy
Councillor Wilkinson

Contacts

Democratic Support Officer
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Service Lead - Planning Infrastructure and
Development
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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.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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.

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 2017/18

2017	
20 June	3 October
11 July	24 October
1 August	14 November
22 August	5 December
12 September	

2018	
9 January	13 March
30 January	3 April
20 February	24 April

CONDUCT OF MEETING

TERMS OF REFERENCE

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

BUSINESS TO BE DISCUSSED

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

RULES OF PROCEDURE

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

QUORUM

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

DISCLOSURE OF INTERESTS

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

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

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 - 6)

To approve and sign as a correct record the Minutes of the meetings held on 20th June 2017 and to deal with any matters arising, attached.

5 OBJECTION TO THE INCLUSION OF T13 & T14 IN THE SOUTHAMPTON (HOLY SAVIOURS CHURCH) TREE PRESERVATION ORDER 2016

(Pages 7 - 20)

Report of the Head of Service seeking confirmation of tree preservation order.

CONSIDERATION OF PLANNING APPLICATIONS

6 PLANNING APPLICATION - 17/00732/FUL - 70 SWIFT ROAD

(Pages 25 - 42)

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 - 16/01125/FUL - REAR OF 4-8 MILLBROOK ROAD EAST

(Pages 43 - 74)

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 - 17/00664/FUL - 137-143 SOUTH EAST ROAD
(Pages 75 - 82)

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, 3 July 2017

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 20 JUNE 2017

Present: Councillors Savage (Vice-Chair), Claisse, Hecks, Murphy, Wilkinson and Letts

Apologies: Councillors Denness and Barnes-Andrews

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

It was noted that following receipt of the temporary resignation of Councillor Denness from the Panel, the Service Director Legal and Governance acting under delegated powers, had appointed Councillor Letts to replace them for the purposes of this meeting. The Panel also received apologies from Councillor Barnes-Andrews.

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

RESOLVED: that the minutes for the Panel meeting on 23 May 2017 be approved and signed as a correct record.

9. **PLANNING APPLICATION - 16/01899/FUL - UPPER SHIRLEY HIGH**

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.

Removal of two temporary classrooms and erection of a two storey building to provide 10 new classrooms with ancillary accommodation (amended to provide 12 additional car parking spaces and construction access details)

Liz Harrison and Frank Winter (local residents/ objecting), Bradley Smith (agent), and Julie Prince (Upper Shirley High Business Manager) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported some adjustments to conditions listed below. The Panel sought to strength the section 106 requirement for the green travel plan by introducing a requirement to achieve at least a silver rating in the Sustainable Travel Accreditation and Recognition for Schools scheme. The Panel also requested that conditions relating to deliveries and the temporary access be adjusted to stipulate a delivery time of after 9:00am as set out below.

The Panel considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel:

- (i) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - (a) The submission and approval of a Green Travel Plan aimed at:
 - reducing the reliance of the private car in relation to staff and pupil trips to/from the school and a financial contribution to ensure a meaningful implementation of the approved Green Travel Plan; and
 - making the school achieve a silver accreditation against Sustainable Travel Accreditation and Recognition for Schools (STARS) scheme and that this would have an initial 6 month review.
 - (b) A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- (ii) 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.

ADDITIONAL AND AMENDED CONDITIONS

03. HOURS OF WORK FOR DEMOLITION / CLEARANCE / CONSTRUCTION (PERFORMANCE)

All works relating to the demolition, clearance, construction vehicle access 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. 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 within the site to prevent overspill parking onto Bellemoor Road and surrounding 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;
- (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; and
- (h) details of height and position of temporary access gates.

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.

15. APPROVAL CONDITION - PLAYING FIELDS (PRE-COMMENCEMENT)

No development shall commence until a scheme for the removal of the temporary works which includes the temporary construction traffic route and access on playing field land and the long jump pit and track has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme must be in accordance with Sport England guidance "Natural Turf for Sport" (2011) Within one month of first use of the classrooms hereby approved, the temporary works carried out under this permission shall be removed from the site and the playing land and long jump pit and track reinstated in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing.

REASON: To ensure the site is restored to a condition fit for purpose and to accord with policies CS21 of the Core Strategy and 'saved' policy CLT3 of the Local Plan Review.

16. APPROVAL CONDITION - SERVICING AND DELIVERIES

The development shall be carried out in accordance with the pre-construction traffic management analysis dated March 2017 in relation to routing of construction vehicles, permitted construction traffic hours, site access requirements, vehicle call up procedures and provision of wheel cleaning facilities.

No deliveries shall take place between 18.00-09.15 hours and 14:30-15:30 hours Monday to Friday.

Any deliveries or servicing on Saturdays between 09:00 to 13:00 hours shall only be made by small/medium size vehicles which shall access the site through the main entrance.

REASON: In the interests of pedestrian safety and neighbouring amenities

17. APPROVAL CONDITION - TEMPORARY CONSTRUCTION ACCESS

Prior to commencement of the use of the temporary construction traffic access, the existing dropped kerb shall be assessed to ensure it can withstand overrunning by heavy goods vehicles, with details to be submitted and agreed in writing with the Local Planning Authority. Core samples will need to be taken to establish the construction, across the full width likely to be overrun by an articulated vehicle, and if the construction

does not meet the councils standards for a heavy duty crossover, it will need to be constructed as such, and the crossing widened to accommodate the tracking of the largest vehicle likely to use the access. Any works to upgrade the existing dropped kerb will need to be undertaken under a s171 notice and completed prior to commencement of the use of the temporary construction traffic access.

Prior to occupation of the classrooms hereby approved, or during the first planting season following the full completion of building works, whichever is sooner, the temporary construction access shall be stopped up and a secure boundary treatment comprising fencing and hedgerow shall be reinstated. Details of the fencing and hedgerow to be agreed in writing with the Local Planning Authority prior to the commencement of development. The fencing and hedgerow shall be installed and retained as agreed.

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 protect the amenities of adjacent properties, in the interests of highway safety, and to improve the appearance of the site and enhance the character of the development in the interests of visual amenity

CONDITION 18 DELETED

NOTE: Councillor Savage announced that he had two children in attendance at the school but did not feel that this would not prejudice his ability make an impartial decision.

10. **PLANNING APPLICATION -17/00607/FUL- 123 UPPER SHIRLEY AVENUE**

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

Erection of a detached double garage and 2m high boundary wall to Upper Shirley Avenue (resubmission 16/00395/FUL) (Amended to reduce the depth of the garage by 1125mm and to remove roof lights)

Derek Goodchild (local resident objecting) and John Warwick (agent) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported a requirement for an additional condition seeking removal of the existing garage as set out below. At the Panel's request a further condition, set out below, was added to restrict the usage of the structure.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to grant planning permission

FOR: Councillors Claisse, Hecks, Letts, Murphy and Savage

AGAINST: Councillor Wilkinson

RESOLVED that the Panel granted planning approval subject to the conditions set out in the report and any amended and additional conditions set by the Panel, set out below.

ADDITIONAL CONDITIONS

APPROVAL CONDITION – REMOVAL OF EXISTING GARAGE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), prior to first occupation of the garage hereby approved, the existing garage shall be fully demolished.

REASON: In the interests of the visual amenities of the area and to prevent excessive overprovision of on-plot parking spaces.

APPROVAL CONDITION - USE OF GARAGE - DOMESTIC ANCILLARY USE [PERFORMANCE CONDITION]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the garage hereby approved shall be made available and used at all times for the parking of domestic vehicles related to the residential use of the dwelling house and associated ancillary storage relating and incidental to the enjoyment of the occupation of the dwelling house. At no time shall the garage be used for the parking of commercial vehicles or used for any trade, business, manufacturing or industrial purposes whatsoever and shall not be incorporated into the house as part of the domestic living accommodation.

REASON: To maintain high quality living environment for the occupiers of the dwelling house and the residential amenities of the surrounding neighbourhood.

11. **PLANNING APPLICATION - 17/00333/FUL- 8-9 PREMIER PARADE, FOREST HILLS DRIVE**

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

Application for variation of condition 4 (Extraction equipment) of planning permission 16/00256/FUL to alter the height of the external vertical extract duct to 1.2 metres above roof height (full height).

Les Weymes was present and with the consent of the Chair, addressed the meeting.

The Panel considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED that the Panel granted planning approval subject to the conditions set out in the report (and any amended and additional conditions set by the Panel, set out below)

DECISION-MAKER:	PLANNING RIGHTS OF WAY PANEL		
SUBJECT:	Objection to the inclusion of two trees within The Southampton (Holy Saviours Church) Tree Preservation Order 2016		
DATE OF DECISION:	11.07.2017		
REPORT OF:	HEAD OF TRANSACTIONAL AND UNIVERSAL SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Gary Claydon-Bone	Tel: 023 8083 3005
	E-mail:	Gary.claydon-bone@southampton.gov.uk	
Director	Name:	Mitch Sanders	Tel: 023 8083 3005
	E-mail:	Mitch.sanders@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
A Tree Preservation Order (TPO) was placed on the trees within the curtilage of the Church due to a concern raised by a member of the public who indicated to the City Council that the Church are considering removing two mature trees. The trees that were under threat were not specifically indicated, therefore the entire site was considered for protection.	
RECOMMENDATIONS:	
1.	To confirm The Southampton (Holy Saviours Church) Tree Preservation Order 2016 (Appendix 1) without modifications.
REASONS FOR REPORT RECOMMENDATIONS	
2.	The trees are valuable for public amenity and provide a local ecological benefit. The loss of the trees will have a negative impact to the character of the area.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	To not confirm this Order. This would not offer the legal protection which is considered prudent for the future reasonable retention and management of the trees.
DETAIL (Including consultation carried out)	
4.	An initial Area order was made to provide immediate protection to the trees and allowed time for a more detailed site survey to be carried out to assess the individual and group merits of the trees on site. An initial objection was received from the vicarage due to the inclusion of two trees within the Area order. Communication was started with the Vicar and it was indicated to him that the Area order would be modified and once this was done, the objection can then be reconsidered.

5.	The area order was modified and was replaced with the current order which consists of 23 individual trees, 3 groups and 2 woodland classifications (See Appendix 2). This order was re-served to all interested parties.
6.	An objection was received from the Vicarage to the inclusion of two trees within the order, namely an Irish Yew (See appendix 3) and an English Oak (See appendix 4). These trees appear in the TPO as T13 & T14, respectively.
7.	The vicar's objection to the inclusion of these specific two trees is due to the impact that it may have for future development of the land adjacent to the two trees.
8.	A letter was sent to the Vicar giving reasons for my making of the TPO and highlighting that a tree may be removed as part of a planning process and that any approval from planning will override the TPO status. After a further discussion with the Vicar, he wanted to uphold his objection as he wished to have it noted that the TPO was objected to.
9.	Contact has been received by a member of the public and they have voiced a concern over plans to remove two trees. It is understood that they would object to the removal of these trees if an application was submitted to do so. The resident who would object to an application to fell two trees is in support of confirming the TPO.

RESOURCE IMPLICATIONS

Capital/Revenue

- | | |
|-----|---|
| 10. | Cost will be those associated with the administration of confirming the Order and administration of any subsequent applications made under the Order. |
|-----|---|

Property/Other

- | | |
|-----|---|
| 11. | If the order is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable. |
|-----|---|

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- | | |
|-----|--|
| 12. | In accordance with the Constitution, the officer has delegated power to make, modify or vary, revoke and not confirm Tree Preservation Orders under Sections 198 and 201 of the Town and Country Planning Act 1990; and to confirm such orders except where valid objections are received. If objections are received then the Planning and Rights of Way Panel are the appropriate decision making panel to decide whether to confirm the order or not. |
|-----|--|

Other Legal Implications:

- | | |
|-----|---|
| 13. | The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy their possessions but it can be justified under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees, tree groups and woodlands) and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law. |
|-----|---|

POLICY FRAMEWORK IMPLICATIONS	
14.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	N/A

SUPPORTING DOCUMENTATION

Appendices	
1.	The Order:
2.	Letter of objection
3.	Photo of Irish Yew
4.	Photo of English Oak

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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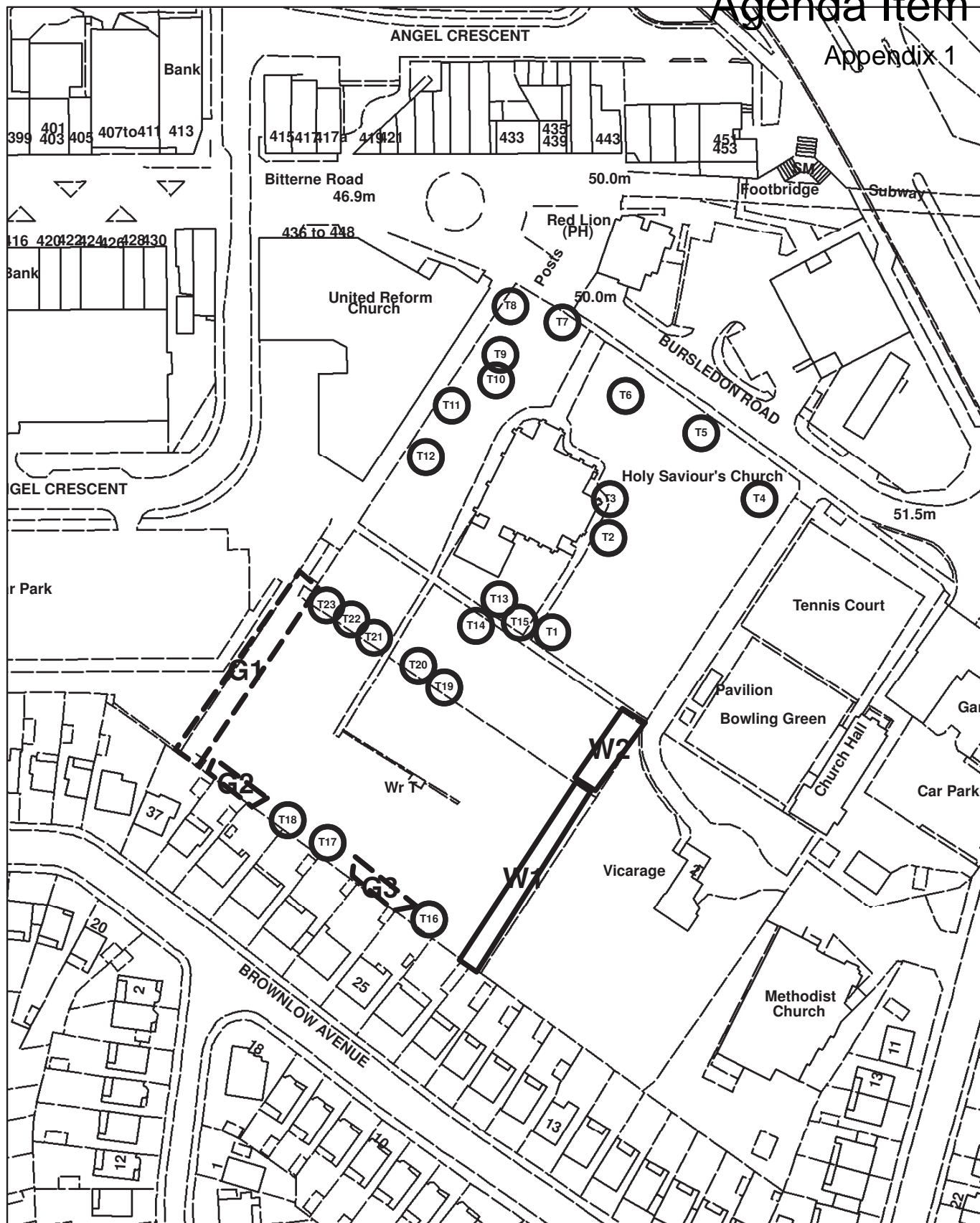
Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
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Other Background Documents
Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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- Key**
- Individual Trees
 - Group
 - Woodland
 - Area
 - Not TPO'd

The Southampton (Holy Saviours Church) Tree Preservation Order 2016 (Amended)	
TPO Ref: T2-658	Department: Trees team
Drawn: GCB	Scale: 1:1,250



Mitch Sanders
 Service Director
 Transactions and Universal Services
 Southampton City Council
 Southampton SO14 7LY

SCHEDULE 1A AMENDED

The Southampton (Holy Saviours Church) Tree Preservation Order 2016

Individual Trees (encircled black on the map)

No on Map	Description	Situation
T1	Holm Oak	On Northern edge of footpath that transits from NW to SE and to the South of the church
T2	Turkey Oak	To SE of path that transits from NE to SW adjacent to South Eastern side of church
T3	Irish Yew	To East of path that transits from NE to SW adjacent to South Eastern side of church
T4	Holm Oak	Close to South Eastern boundary of church and adjoining driveway from Bursledon Road to the Vicarage
T5	Cedar	On boundary North East of main church and adjoining Bursledon Road
T6	Holm Oak	East of main entrance of church near North Eastern boundary to Bursledon Road
T7	Turkey Oak	North of main entrance to church and being on boundary with Bursledon Road
T8	Cedar	In Northern corner of church graveyard adjoining Bursledon Road
T9	Horse Chestnut	In graveyard near North Western boundary of church land
T10	Irish Yew	North of Church in graveyard near north Western boundary of church land
T11	Holm Oak	North West of main church in graveyard
T12	Cedar	Due West of main church near North Western boundary
T13	Irish Yew	South of new church extension and North of main path that transits NW to SE
T14	Oak	South of new church extension and South of main path that transits NW to SE

T15	Western Red Cedar	On Northern junction of paths that transit North East to South West and North West to South East and being South of main church
T16	Oak	On South Western boundary of church land and to rear of 23-25 Brownlow Avenue
T17	Macrocarpa	On South Western boundary of church land and to rear of 29 Brownlow Avenue
T18	Oak	On South Western boundary of church land and to rear of 31 Brownlow Avenue
T19	Holly	In hedge line running NW to SE and being South West of the church
T20	Holly	In hedge line running NW to SE and being South West of the church
T21	Holly	In hedge line running NW to SE and being South West of the church
T22	Holly	In hedge line running NW to SE and being South West of the church
T23	Holly	In hedge line running NW to SE and being South West of the church

Groups of trees

(within a broken black line on the map)

No on Map	Description	Situation
G1	5 x Lime, 1 x Ash, 2 x Sycamore and 3 x Holly	Along Western boundary in South West section of church land
G2	1 x Ash and 3 x Holly	On South Western boundary and to the rear of 33 to 37 Brownlow Avenue
G3	1 x Sycamore and 2 x Cypress	On South Western boundary of church land and to the rear of 27 Brownlow Avenue

Woodlands

(within a continuous black line on the map)

No on Map	Description	Situation
W1	Mixed Species	On South Eastern boundary of church land adjacent to the Vicarage from Southern corner of church land up to hedge running NW to SE
W2	Mixed Species	On South Eastern boundary of church land adjacent to the Vicarage from the hedge running NW to SE up to footpath entrance at South Eastern of footpath

Trees Specified by Reference to an Area

(within a dotted black line on the map)

No on Map	Description	Situation
	NONE	

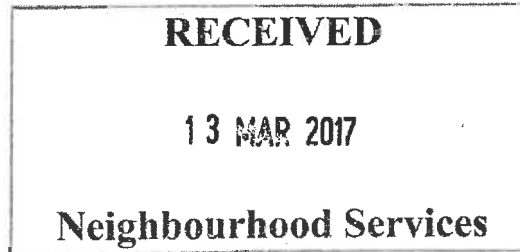


Rev. A.M.M. Parker
Appendix 2
(Minister)
The Vicarage
2 Bursledon Road
Southampton
SO19 7LP

To know Christ better - To make Him better known

Registered Charity Number 1157949

Gary Claydon-Bone,
Trees Team,
Southampton City Council,
Civic Centre,
Southampton, SO14 7LY



28th February 2017.

Dear Mr. Claydon-Bone,

Proposed Tree Preservation Order – Holy Saviour Churchyard, Bitterne

I write as the Priest in Charge of Holy Saviour Church, Bitterne and on behalf of the Parochial Church Council of Holy Saviour Church, Bitterne, as its Chair.

Thankyou for your recent e-mail of 16th February.

We received the modified Tree Preservation Order from Southampton City Council on 16th January 2017, relating to Holy Saviour Churchyard.

As you know there was a Pre-App site visit on 2nd February 2017 involving the Senior Planning Officer, yourself & others with our Architect giving our Architect the opportunity to explain our plans to redevelop the whole site.

As you will therefore be aware from this meeting, the proposed redevelopment includes plans to extend the Church Room (attached to Holy Saviour Church) to the footpath edge including a new first floor, which would necessitate the removal of the trees marked T13 (Irish Yew) and T14 (Oak). Adjusting our design of the extension to the Church Room to accommodate the retention of the oak would severely compromise the floor area of the 1st floor of the extended Church Room, so as to make the scheme unviable.

Following a meeting of the Standing & Finance Committee of the Parochial Church Council of Holy Saviour Church, Bitterne on 27th February, we therefore write to formally object to the inclusion of the trees marked T13 and T14 in the modified Tree Preservation Order, due to our proposed plans to extend the Church Room attached to Holy Saviour Church.

Yours sincerely,



Rev. A.M.M.Parker

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Appendix 3

Irish Yew



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Appendix 4

English Oak



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Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 11th July 2017 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
	MP	DEL	5	17/00732/FUL 70 Swift Road
	AL	DEL	15	16/01125/FUL r/o 4-8 Millbrook Rd East
	JF	CAP	5	17/00664/FUL 137-143 South East 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

Case Officers:

MP – Mat Pidgeon

AL – Anna Lee

JF – John Fanning

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning

Applications:

Background Papers

1. Documents specifically related to the application
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. Statutory Plans
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

4. Policies and Briefs published and adopted by Southampton City Council
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)

- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (1997)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (2012)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Government Policy Planning Advice

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

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11th July 2017
Planning Application Report of the Service Lead – Infrastructure, Planning and
Development.**

Application address: Grove Tavern, 70 Swift Road, Southampton, SO19 9FN			
Proposed development: Demolition of existing public house Class (A4) and erection of 6 x 4 bed semi-detached dwellings with associated car parking, cycle and refuse storage.			
Application number	17/00732/FUL	Application type	Minor Dwellings
Case officer	Mat Pidgeon	Public speaking time	5 minutes
Last date for determination:	11 th July 2017	Ward	Woolston
Reason for Panel Referral:	Five or more letters of objection have been received .	Ward Councillors	Cllr Blatchford Cllr Hammond Cllr Warwick

Applicant: Cordage 3 Ltd.	Agent: WYG
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Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
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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 including impact on neighbouring amenity and on street car parking pressure have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, NE4, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

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 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. Either a scheme of measures or a financial contribution towards SDMP 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.

iv. An obligation to preclude future residents being issued with car parking permits.

2. 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 – Infrastructure, Planning 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.

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

1 The site and its context

1.1 The application site is located on the southern side of Swift Road. The application site comprises a large public house building, a smaller building, and hard standing to the front and an area of amenity grassland with shrubs to the rear. There is also a large mature tree on the rear boundary of the site which is protected by the Southampton (Swift Road) Tree Preservation Order 1977. Although somewhat neglected at present, the building makes a positive contribution to the streetscape. The property is a two storey detached building that is likely to have been built around the 1930's. The property is constructed of red brick and is built under a pitched clay tiled roof. The building is not listed and is outside of a conservation area.

1.2 The area surrounding the site is residential, comprising a mix of terraced houses,

semi-detached houses and detached houses.

- 1.3 Much of the southern side of Swift Road is controlled by double yellow lines and the northern side is restricted parking to permit holders only from 8am – 10pm with some space available to non-permit holders for a maximum of 2 hours.

2 Proposal

- 2.1 The proposal seeks permission for 6 x two-storey semi-detached houses with space for 2 x car parking spaces each to the front with private gardens to the 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) 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. Relevant Planning History

- 4.1 There is no relevant recent planning history relating to this 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 and erecting a site notice (23/05/2017). At the time of writing the report **14 representations** (from 13 addresses including 2 letters from the application site) have been received from surrounding residents, 11 objecting to the scheme and 3 in support. The following is a summary of the points raised:
- 5.2 Maximum parking standards are not achieved. The previous and current tenants of the pub have always allowed local people to park their cars and work vans on the pub car park to help ease the parking problems, this facility will no longer exist. RESPONSE: The prospective loss of convenient parking is not a strong reason to resist an application for redevelopment. Furthermore the Council has maximum parking standards and two spaces off road seems reasonable for 4 bedroom family houses in this sub-urban location where access to shops and services can be achieved on foot, by bicycle and by public transport. Parking is controlled in the local area by traffic regulation orders (double yellow lines and permit holder only parking restrictions).
- 5.3 Wildlife – slow worms and stag beetles. RESPONSE: The ecological information that has been submitted has been assessed by the Planning Ecologist who agrees with the methodology and conclusions of the report. The report concludes

that with mitigation impact on protected species will be acceptable. Subject to recommended conditions the ecologist does not oppose the scheme.

- 5.4 Overdevelopment. RESPONSE: The development is capable of accommodating the necessary requirements to make a suitable development without causing significant harm and, as discussed in more detail below, is therefore not opposed.
- 5.5 Increase of noise. RESPONSE: The public house use is considered to be a potentially greater source of noise than the proposed scheme of family dwelling houses.
- 5.6 Loss of light, outlook and sun into neighbouring houses and gardens. RESPONSE: Amended plans have been received to address the concerns of neighbours. Further notification is to take place ahead of the Panel meeting.
- 5.7 Overlooking. RESPONSE: The layout of the dwellings is such that it is not considered likely that significant harm to neighbouring amenity will occur for the reasons given below.
- 5.8 Too near/affecting boundary. RESPONSE: There are no overhanging aspects of the building proposed to impact neighbouring land. If there is a need for a party wall agreement this will be managed through separate legislation to planning.
- 5.9 Too much recent housing development in the local area placing pressure on local services. RESPONSE: The proposal seeks permission to redevelop the site subdividing it into six separate plots to fit six family dwelling houses. The site, taking account of local character and in particular nearby plot widths and depths, is appropriate in terms of its dimensions to support six separate plots. It is not unreasonable to develop the site in this way and there are no planning reasons to justify refusal of the application on the basis of the impact of six additional houses on local services. There is a need for housing and the proposal will assist the Council in achieving its housing target, which has been assessed as necessary to 2026.
- 5.10 Loss of the public house which is valued by the community, furthermore an objector has indicated that in *'just 2 weeks, a group of locals have drawn up plans to have the pub registered as a Asset of Community Value and have already amassed over 50 names, addresses and signatures.'* RESPONSE: The planning department must consider the application on face value and note that the public house is not currently protected as an Asset of Community Value. This issue is discussed in greater detail below in the context of policy CS5 which affords protection to existing pubs regardless of their Asset of Community status.
- 5.11 The public house is used by several disabled people and the loss will impact their social wellbeing. RESPONSE: This issue alone is not a justifiable reason to oppose the scheme.
- 5.12 New Landlords/tenant have made little effort to make the public house financially viable. RESPONSE: The public house is not currently registered as an Asset of Community Value. The financial viability of the current public house is explored in more detail below.

- 5.13 No provision for social housing. RESPONSE: The central government have removed the ability for local authorities to require social /affordable housing on schemes of less than 11 dwelling and therefore affordable housing is not a planning requirement of this scheme.
- 5.14 No provision has been made for disabled parking. RESPONSE: There is sufficient space on the frontage of each dwelling for a disabled parking bay should it be required.
- 5.15 No provision for solar panels and no provision of Electric Charging Points as encouraged by planning guidelines. RESPONSE: There is a requirement for development to be sustainable with relevant conditions being added where necessary however there is no requirement for the sustainability value of a scheme to be achieved by specifically/exclusively incorporating solar panels or electric charging points.
- 5.16 Set back distance from the highway, in conflict with neighbouring dwellings. RESPONSE: The original layout was designed to set the development within the existing footprint however after reviewing the comments received the applicant has chosen to move the position of dwellings 1,2,3 and 4 so that they are now in line with the neighbouring buildings and maintain a consistent building line with neighbouring properties to the east. This change is acceptable to officers and affected neighbours have been notified.

Consultation Responses

- 5.17 **SCC Archaeology** – No objection subject to conditions.
- 5.18 **SCC Highways** – No objection. The bin stores need to be able to accommodate 2 x 360ltr wheelie bins and one glass box. The driveways shall be constructed of non migratory materials, and no surface water from the site shall be permitted to run onto the public highway. Apply recommended conditions.
- 5.19 **SCC Sustainability Team** – No objection. Apply recommended conditions.
- 5.20 **SCC Trees** – The proposal to construct the properties on the land will have little impact to the root protection area of the retained trees, no objection is raised subject to relevant conditions.
- 5.21 **SCC Ecology** – Appropriate ecological surveys (including a bats survey) have been submitted with the application. No objection is raised subject to recommended conditions.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration during the determination of this planning application are:
- the principle of the development;
 - the impact of the design of the building on the character of the area;
 - the quality of the residential environment produced for prospective residents;
 - the impact on the amenities of neighbouring and surrounding residents;
 - highways safety, car parking and access.

- Mitigation/Section 106.

Principle of Development

- 6.2 The scheme would make efficient use of previously developed land to provide housing, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates 6 x 4 bedroom family homes and thus will help to increase the number of family houses within the local community as required by policy CS16. The provision of family housing is welcomed. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy H8 of the Local Plan Review Policy sets a minimum density of 35 dwellings per hectare for new residential development in low accessibility areas. The area of the site proposed for development is 0.13 hectares. With 6 dwellings the density would be 46 units per hectare. The scheme therefore meets the council's density requirements.
- 6.3 The principle of the development is acceptable provided that the scheme will not result in the loss of a community facility as defined by Policy CS3 (Amended Core Strategy 2015).
- 6.4 The policy includes the following paragraph: *Proposals that result in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood.*
- 6.5 Whilst policy CS3 does not identify public houses as community facilities paragraph 70 of the NPPF (which was adopted after the Core Strategy) does identify that public houses can be considered community facilities. The NPPF states that planning policies and decisions should:
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
 - *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*
- 6.6 Under the Localism Act 2011 members of the community and community groups are able to nominate Assets of Community Value which could include public houses. Nomination can lead to the nominated asset being added to a register held by the local authority which would make the loss of the asset through development more difficult. When a site is added to the register decision makers must place greater material weight on the need to retain those assets. I can however confirm that the public house in question has not been registered as an Asset of Community Value on the register held by Southampton City Council.

- 6.7 As such whilst the loss of the public house is a material consideration for this planning application at the time of writing it does not necessarily outweigh, in this particular case, the delivery of family housing as it holds no specific protection as an Asset of Community Value at this present time. To support the application the applicant has provided a list of nearby local public houses and community facilities to demonstrate that the community would have alternative public houses (Ship Inn [approx.. 0.3 miles], Obelisk Hotel [approx. 0.4 miles away], Victoria Inn [approx. 0.4 miles away], The Cricketers Arms [approx. 0.6 miles away], Loaf's Tun [approx. 0.7 miles away], The Swan [approx. 0.8 miles away], The Yacht Tavern [approx. 0.9 miles away] and The Millers Pond [approx. 0.9 miles away]), and community facilities (Woolston Library [approx. 0.5 miles away] Woolston Social Club [approx. 0.6 miles away] and Woolston Community Centre [approx. 0.2 miles away]) to use should the planning application be successful and the scheme is implemented. Having taken into account the alternatives Officers agree that there are adequate alternative facilities nearby.
- 6.8 To further support the proposal the applicant has included a viability study for the existing public house. The viability appraisal concludes that the current public house use is no longer viable despite the best efforts by the existing owner and tenant. The report also confirms that the targeted marketing exercise that has been carried out has not resulted in reasonable offers. The marketing report has been provided by Savills with efforts made to find an alternative licenced operator, commercial/retail operator as well as residential developers.
- 6.9 The response to the marketing exercise found that there was no interest from other licenced operators and commercial operators were not interested because the site is positioned on a quiet residential street with little footfall. Alternative commercial uses would also require extensive works to be carried out to the building in order to make the building appropriate.
- 6.10 The failure of the marketing exercise to attract a public house operator is explained in the report and can be summarised as follows: There is a general trend since the recession for a reduced demand for public houses offering 'wet' goods as the main source of income revenue. This has led to the closure of public houses where landlords have not been able to generate increased income through diversification mostly hot food sales and accommodation both of which generate higher profits than 'wet' goods. The Grove Tavern falls into this category. The Grove Tavern has also suffered because of its limited catchment owing partially to the number of alternative drinking opportunities in the local area also competing for market share. In addition the Centenary Quay development has modern purpose built bar and restaurant units available. The property has been marketed for 6 months between October 2016 and April 2017 and during that time a wide audience have been exposed to the marketing information provided by Savills. Commercial operators would also be aware that the premises would require a substantial investment to bring the building up to standard and facilitate a restaurant use. Savills predict an investment figure of at least six figures to achieve this with no guarantee of success.
- 6.11 The applicant has provided a well-reasoned justification to explain that there will not be a loss, or potential loss, of a community facility as a consequence of the development given the other nearby public houses and community use buildings. The building is also not a registered Asset of Community Value. In addition the marketing exercise that has been undertaken and the viability study both show

that there is no commercially viable demand for the drinking establishment in this location. As such there is no reason why the principle of housing in this location cannot be supported by the Local Planning Authority.

The impact of the design of the building on the character of the area

- 6.12 An assessment is required to consider whether the demolition of the existing building is acceptable and whether the design of the development, when viewed from the public realm, will be compliant with the character of the street.
- 6.13 Historic maps suggest that the current building was built after 1933 with buildings first shown on the site in 1933. Architecturally, the building is of some local interest, and is considered to be an undesignated heritage asset (as defined in the National Planning Policy Framework) by the Councils Historic Environment Team. The current proposals involve demolition of this building which the historic environment team are not opposed to although they have requested that the building is recorded prior to its demolition.
- 6.14 The design of the three pairs of semi-detached buildings that will replace the pubic house will easily fit in with the design of properties in the street and thus will not harm the character and appearance of the street scheme. In response to the undesignated heritage designation that the historic environment team place on the building it must be recognised that objectors to the scheme have not raised this as a concern. In addition officers are of the opinion that the replacement buildings would be of equal quality in visual terms thus the status does not outweigh the positive aspects of the proposal.
- 6.15 The proposed development is accordingly judged to complement the features of the existing buildings in the street scape and appropriately responds to local context and the principles set out in the residential design guide. The development is considered to accordingly respect and enhance the appearance of the street reinforcing local distinctiveness thus complying with the Council's adopted design policies.
- 6.16 The proposal provides a suitable visual connection with the surrounding buildings in terms of storey height, eaves level, proportions setbacks and design features that include bay windows, chimneys, landscaped frontages and front porches.

The quality of the residential environment produced for prospective residents.

- 6.17 The proposed amenity space would exceed the Councils standards (70sq.m being required for semi-detached dwellings and approximately 85sq.m being provided for each dwelling). The garden areas proposed are also judged to be it for their intended purpose.
- 6.18 The privacy experienced by residents will be acceptable and natural surveillance of the street is achieved from habitable room windows in the front elevation. Entrances are also proposed to the front of each building.
- 6.19 Habitable rooms with the proposed buildings will all have access to outlook, daylight and will achieve appropriate ventilation.

- 6.20 In summary the occupants of the proposed dwellings will all experience a high quality living environment typical of family dwellings in suburban settings.

The impact on the amenities of neighbouring and surrounding residents:

- 6.21 A revised design has been submitted in response to the objection received from the direct neighbour at number 72. Accordingly properties 1,2,3 and 4 have been moved forward so that they share the same front building line as properties to the east. This will reduce the impact that the development will have on the neighbour to the east in the evening when the sun is low in the sky thus reducing the shadow cast over the rear garden.
- 6.22 In all other respects the proposed development will have an acceptable relationship with neighbouring properties/owners. Harm has been avoided by designing the scheme to reflect the dominant pattern of development in the local area.

Highways safety, car parking and access.

- 6.23 The proposal indicates two dedicated spaces per dwelling accessed from Swift Road. Whilst this may not reach the figure given in planning guidance of three spaces per dwelling, that figure is an absolute maximum. Sometimes the site may not be capable of delivering more parking, and a suitable balance is needed. There is also no specific requirement to provide disabled parking bays however it is noted that should a disabled person move into any of the properties it is anticipated that the frontage layout could be amended to facilitate a disabled parking bay.
- 6.24 The historic or current arrangement whereby the owner of the pub allows neighbours to park on the site is not a material planning consideration given that the current arrangement could be ended irrespective of planning permission being granted.
- 6.25 No objection has been raised to the proposal from the highways development management team. Refuse and cycle storage, as well as parking on site, can be achieved.
- 6.26 A legal agreement will be used to secure off site works and measures needed to mitigate the impact of the development, in particular site specific transport contributions for highway improvements, a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer, financial contribution towards SDMP 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 and an obligation will be included to preclude future residents being issued with car parking permits.

7 Summary

- 7.1 The Council is committed to providing high quality residential environments for the citizens of the city and aim to work with developers to make efficient use of available land. The scheme manages to achieve this and the loss of the public house is not opposed in principle as it is not considered to result in the loss of a

community asset. The provision of 6 genuine family homes is supported.

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative and as such the scheme is recommended for approval.

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

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

MP3 for 11/07/2017 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

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

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

2. 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. Cycle Storage Facilities [Pre-Occupation Condition]

Prior to the first occupation of the development details of the proposed cycle storage facilities shall be submitted to and approved in writing by the local planning authority. Once approved the development shall be carried out in accordance with the approved plans and the cycle storage made available for use prior to the occupation of the development hereby approved (storage facilities must be secure, lockable and covered). The cycle storage facilities shall ensure that at least one bicycle can be stored securely within the garden of each house and once constructed such facilities shall be permanently retained for that purpose.

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

4. Storage / Removal of Refuse Material [Performance condition]

Before the development hereby approved first comes into occupation, the refuse storage areas shall be provided in accordance with the plans hereby approved. The storage shall thereafter be retained as approved and other than on collection day no refuse bins shall be stored on the public highway or the frontage of the property.

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

5. Details & samples of building materials to be used [Pre-Commencement Condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and render) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, drainage goods, and the ground surface treatments formed. 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.

6. Amenity Space Access [Pre-Occupation Condition]

The external garden spaces serving the development hereby approved shall be carried out in accordance with the approved plans and made available prior to the first occupation of the development hereby permitted. The garden spaces shall be retained with access to them at all times for the use of the occupants thereafter in perpetuity. The gardens allocated to the dwelling houses shall be private to the houses they serve.

REASON: To ensure the provision of adequate amenity space in association with the approved development.

7. No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted at first floor level within the buildings hereby approved without further prior written consent of the Local Planning Authority.

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

8. Glazing panel specification [Pre-Occupation Condition]

The first floor windows positioned in the side elevations (east and west facing) of the building hereby approved, which serve hallways shall be glazed in obscure glass and shall be non-opening/shall only have a top light opening at least 1.7m above the floor level of the room to which they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

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

9. Residential - Permitted Development Restriction [Performance Condition]

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

consent of the Local Planning Authority:

Class A (enlargement of a dwelling house),

Class B (roof alteration),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.

Class F (hard surface area)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the relative position of the dwellings to one another and to neighbouring properties in the interests of the comprehensive development and visual amenities of the area and owing to the development replacing a non designated heritage asset.

10. 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.

11. Wheel Cleaning Facilities (Pre-commencement)

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.

12. On site vehicular parking [Pre-Occupation Condition]

The approved vehicular parking spaces shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. Such facilities as approved shall be permanently retained for that purpose.

Reason: To avoid congestion of the adjoining highway.

13. Archaeological structure-recording [Pre-Commencement Condition]

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.

14. Archaeological work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

15. 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.

16. 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.

17. 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.

18. Foul and surface water sewerage disposal – Pre-commencement Condition.

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

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

19. Energy & Water [Pre-Commencement Condition]

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

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

20. 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).

21. Ecological Mitigation Statement (Performance condition)

The development shall be carried out in full accordance with the submitted Bat Survey Report, May 2017 and the Phase I Ecological Assessment Report, April 2017. In particular any outside lighting will need to be designed in accordance with the factors detailed in section 5 of the Bat Surveys Report, May 2017 and implementation of the planning permission must be in full accordance with the biodiversity enhancement measures set out in section 5.4.2 of the Phase I Ecological Assessment Report, April 2017.

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

22. Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

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

- i. means of enclosure;
- ii. hard surfacing materials,
- iii. 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;
- iv. 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 at a ratio of two-for one);
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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

Note the landscaping plans should include the following:

- Driveways shall be constructed of non-migratory materials,
- Identify that no surface water from the site shall run onto the public highway.
- A paved route of adequate width shall be provided to the bin and cycle stores from the front of the houses to the stores in the back gardens.

23. Replacement trees (Pre-commencement)

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

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

24. No overhanging tree loss (Performance Condition)

At no time shall trees overhanging the site be pruned during the construction of the development hereby approved without prior written consent from the Local Planning Authority following an agreement with the Councils Tree Team.

Reason: In the interests of the visual amenities and character of the locality.

25. 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.

26. APPROVAL CONDITION, Compliance with Arboricultural Impact Appraisal and Method Statement, (Performance Condition)

The hereby approved development shall be completed in compliance with the submitted; Arboricultural Implications Assessment and Method Statement re THE GROVE TAVERN (PH), SWIFT ROAD, WOOLSTON. Produced by: Barrie Draper BSc (Hons) Arb TechCert(ArborA) CertArb(RFS) Arboricultural Consultant. Report Ref: 17900 - AIA 2. Report Date: 13 June 2017

Reason: To ensure the retention of trees which make an important contribution to the character of the area.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
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
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE9	Protection / Improvement of Character
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

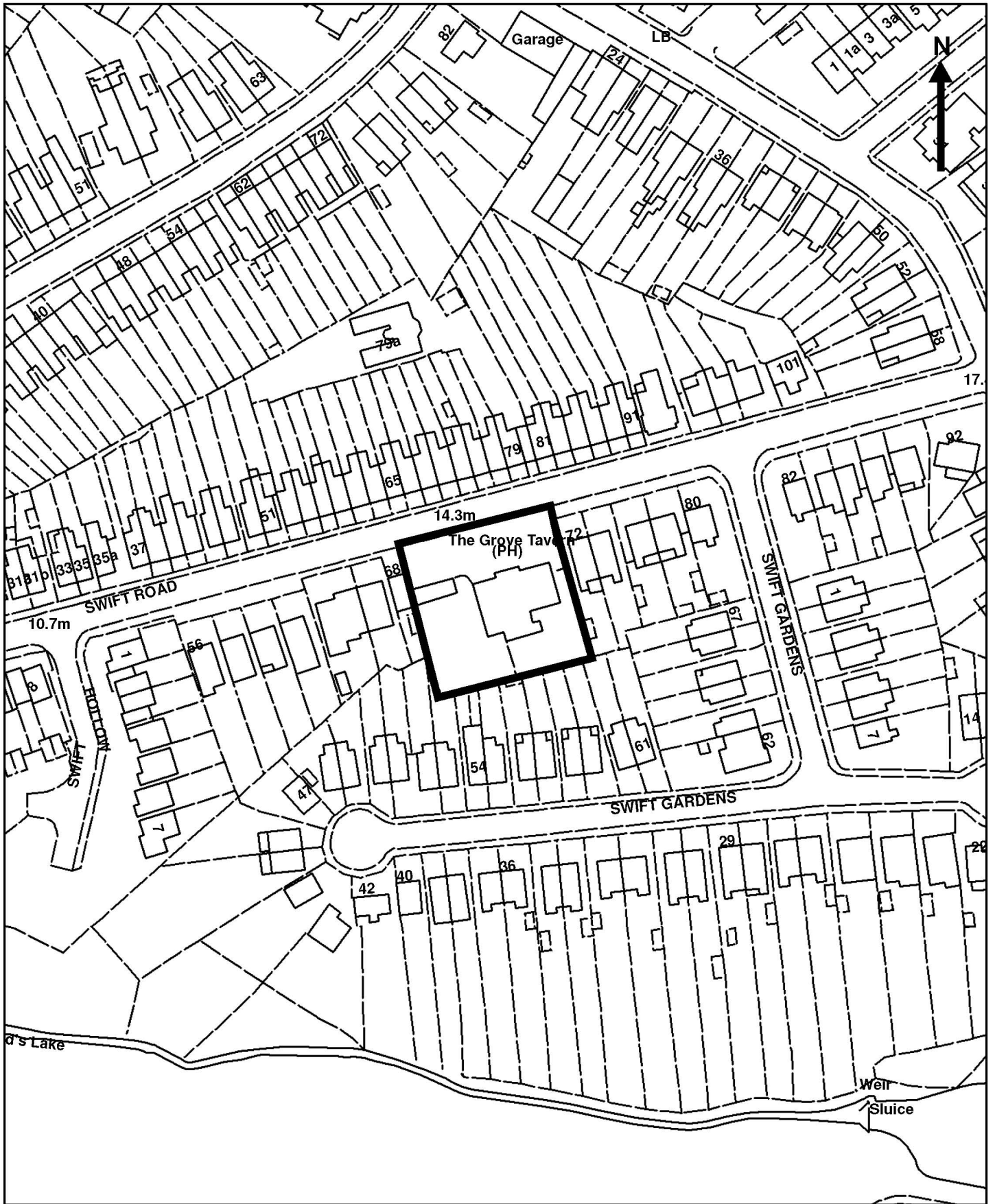
Planning Obligations (Adopted - September 2013)

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 7

Planning and Rights of Way Panel 11th July 2017 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

Application address: Land to The rear of 4-8, Millbrook Road East, Southampton,			
Proposed development: Erection of a 7-storey building to provide 12 flats (4 x 1-bedroom, 8 x 2-bedroom) and two floors of offices with associated parking and landscaping.			
Application number	16/01125/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	18.07.2017 (Extension of Time Agreed)	Ward	Freemantle

Reason for Panel Referral:	Major Development with 5 or more objections	Ward Councillors	Cllr Moulton Cllr Parnell Cllr Shields
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Applicant: Knightspur Homes Ltd	Agent: KF Planning Consultancy
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Recommendation Summary	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 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 neighbouring amenity, design, the scheme's viability and 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 as set out in the report to the Planning & Rights of Way Panel on 11th July 2017. The scheme is 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). "Saved" Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE6, H1, H2, H3, and H7 of the Local Development Framework Core Strategy Development Plan Document (March 2015)

Policies - CS4, CS5, CS6, CS11, CS13, CS15, CS16, CS18, CS19, CS20, CS22 and CS25 of the City of Southampton Local Plan Review (March 2015) and as supported by the adopted Residential Design Guide SPD (2006).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1. Delegate to the Service Lead - Infrastructure, Planning and Development to grant planning permission, subject to the planning conditions recommended at the end of this report and to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site-specific transport contributions for highway improvements in the vicinity of the site, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015), and with the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Either the provision of 20% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment with the submission of a further viability assessment if both the last residential unit is not completed within 30 months or if an application is sought for the office space to be converted to residential;
 - iii. Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
 - iv. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets;
 - v. 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);
 - vi. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and
 - vii. Financial contributions to tree replacement off-site and the submission of a tree replacement plan.
2. In the event that the legal agreement is not completed within three months of the decision of the Planning and Rights of Way Panel, the Service Lead - Infrastructure, Planning and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Service Lead - Infrastructure, Planning 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 forms part of the former Southbrook Rise office site on the corner of Millbrook Road East and Shirley Road. The relevant part of the site is adjacent to Central Station Bridge and is currently occupied by hardstanding and vegetation. The adjacent existing building is five storeys and has recently been converted into residential units via the prior approval process within the current national Permitted Development regime. There is a variation in levels on the site and, as such, the ground level (and the existing parking area to the

rear) is below the street level of Millbrook Road East. The surrounding area has a mixed commercial and residential character and to the rear of the site at a much lower level there is an industrial area and the Central Station.

- 1.2 The site fronts onto a public highway which is a shared cycleway/footpath, with land between the public highway and site landscaped by trees and vegetation owned and maintained by the Council. There are three trees (2 Sycamores and a Bay Laurel) adjacent to the site that are covered by Tree Preservation Order (TPO).

2.0 Proposal

- 2.1 The proposal seeks to provide a new block adjacent to the existing converted office at Southbrook Rise. The proposed scheme is mixed-use with residential on the lower floors and office space provided on the top floors. The building has been designed to be seven storeys in height with a flat roof. At ground floor cycle and refuse storage is provided with 12 car parking spaces (including one disabled and motorcycle parking). Included in the 12 are two spaces proposed for the office use. On the upper floors three units are provided (2 no.2 bed units and 1 no.1 bed unit) per floor. On the top two floors office space is provided. Although vehicular access is provided via the existing access from Millbrook Road East pedestrian access would be via the existing path to the side of Southbrook Rise.
- 2.2 The building will be mainly built in buff brick, with grey brick to the ground floor, and grey window frames with timber clad linings. The balconies are to be constructed of metal balustrade and glass.
- 2.3 The original submitted scheme proposed a pedestrian access path that utilises some of Council's land but this element has been removed. Alternative arrangements are proposed.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (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 The building was originally granted planning permission in 1985 (LPA reference W05/1662 - 04.06.1985) and there have been a number of subsequent applications to extend at single storey level, place adverts and place air conditioning units on the roof. The following summarises the planning history for the neighbouring building:

13/01782/PA56 No objection raised
03.01.2014
Application for prior approval for a change of use of the building from offices (class b1) to 60 flats (2 x studio, 17 x 1-bed, 41 x 2-bed - class c3)

15/00519/PA56 No objection raised
26.05.2015
Application for prior approval for a change of use of the building from offices (class b1) to 84 flats (77 x 1 bed, 7 x 2 bed class c3)

15/01855/NMA No objection raised
12.10.2015
Application for a non-material amendment to prior approval permission ref 15/00519/PA56 to change the mix of the 84 approved flats to 4x studio, 66x 1-bed and 14x 2-bed flats.

15/01942/FUL Conditionally approved
16.11.2015
Insertion of windows to the roof and changes to existing fenestration/windows to enable conversion (Approved Under LPA Ref: 15/00519/PA56).

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, erecting a site notice (12.07.16) and by posting an advertisement in the local press (15.07.2016). At the time of writing the report **5 representations** have been received from surrounding residents/business, and in this case specifically owner/occupiers of the industrial units to the south. The following is a summary of the points raised:

5.2 **Concerned about residential development being approved adjacent to the industrial estate as the units often work unsociable hours and worried about noise complaints and unacceptable living conditions for the future occupiers.**

Response: The site lies within an urban context and any occupier would be aware of the locality within which they are moving into. The issue is discussed at greater depth in the Planning Considerations section of this report and a condition is recommended to secure improved window specifications for the new residential units.

5.3 **Overdevelopment of the site.**

Response: The development in policy terms can be in excess of 100 dwellings per hectare (dph) as defined by policy CS5, but the development is 80 dph. The proposed built form is considered to respect its context, will provide additional housing and will be an appropriate addition to the streetscene. As such, the scheme is not considered to result in an overdeveloped plot.

5.4 **Lack of amenity space.**

Response: It is noted that the amenity space does not comply with policy but the site lies just outside the city centre, where there are local parks. All flats

have access to a private balcony with an attractive outlook across the city.

5.5 Height of the development excessive.

Response: A 7 storey building that makes use of the level changes is acceptable in this city centre location. No objection has been raised by the Council's Design Officer and, due to its corner position and level changes, the height of the development is acceptable.

5.6 Impact on trees and vegetation.

Response: There will be a loss of existing vegetation and tree planting and this needs to be assessed against the wider benefits of the scheme, including the offer of further planting to mitigate against the loss. No objection has been raised by the Council's Tree Team to the proposal providing the suggested conditions are imposed. There will be a loss of trees and vegetation but a landscaping condition is suggested to secure the provision of replanting, and replacement tree planting is secured via the S106 legal agreement.

5.7 Concerned about the impact on a public right of way.

Response: The proposal does not impact upon the public right of way as the application has been amended to allow access through the site.

5.8 Insufficient parking.

Response: The site is located in an area with good connections to public transport and within walking distance to the shops, employment opportunities and train station. Notwithstanding the above no objection has been raised by the Council's Highway Officer and 12 spaces have been provided with 10 units for the flats (albeit one space is for disabled occupiers) and two spaces for the office units.

5.9 Risk of flooding and impact on the sewers.

Response: No objection has been raised by Southern Water or the Council's Flooding team of these grounds and no further evidence has been provided. The site is in Floodzone 1 – meaning that the risk of flooding is minimal.

5.10 Pollution risk to occupiers of the industrial units.

Response: A condition is imposed to require a Construction Management Plan. The issue could also be dealt with using Environmental Health's statutory powers, but there is no evidence that the end use will be harmful.

5.11 Impact on the character of the area and existing neighbouring occupiers.

Response: The application has been assessed as acceptable to local context for the reasons set out in the Planning Considerations section of this report.

5.12 Road system inadequate and prejudices highway safety.

Response: The Council's Highway Team have not objected to the scheme on these grounds. Due to the scale of the development a section 106 legal

agreement is required to mitigate against its impacts, and in this case financial contribution will be required to improve the local cycle routes within the area.

5.13 Loss of open space.

Response: The proposal will not result in the loss of open space, but an area of hardstanding adjacent to the large car parking area. This area has negligible value and a more beneficial use is supported in principle.

5.14 Detrimental impact on economy and business and creates an imbalance between jobs and homes.

Response: The development results in a mixed-use scheme which is a positive contribution to the area. In terms of the impact on local business, other than noise issues raised above, no other comments have been received which identify harm. The office element may result in additional local employment and mixed use developments adjacent to train stations are encouraged in principle by the planning system.

5.15 Better alternative sites elsewhere

Response: Officers have to assess the current scheme and have not been made aware of alternative sites, which are nevertheless less relevant to the determination of this case.

5.16 Consultation Responses

5.17 SCC Highway Development Management: No objection

The proposal is acceptable in terms of car parking levels and subject to conditions relating to cycle and refuse storage and a waste management plan no objection is raised.

5.18 SCC Tree Team – No objection

The removal of 6 trees is not ideal but subject to replacement trees on the basis of 2 for 1 the loss of trees is accepted. There is very little room to replant and therefore the loss of trees should be relocated elsewhere as secured via the S106 legal agreement.

The proposal will retain T7, sycamore which is has TPO on it, to the east which is in very close proximity to the proposed east elevation, with balconies. The tree survey (Barrell Tree Consultancy, April 2016 15367-AA-DC) notes that this will require pruning to facilitate the build. This will lead to heavy regrowth with this species and a denser, more oppressive outlook on this elevation. Sycamore are also prone to honeydew which will be an issue for the balconies.

The Tree Officer agrees with the comment that the pruning of T7 will have no significant impact on local character, but not with the comment “these works fall with the bounds of normal management” as it is only the proposal that is driving the need to prune. The Tree team are concerned that the proximity to the development will result in the Council being pressured to prune the trees at their expense. An addition of a condition is suggested to maintain a clearance distance from the side elevation of the building and the tree canopy. The clearance distance should be 3 metres and the condition suggested states that the pruning and maintaining of this distance is to be at the expense of the owners/occupiers (these works require consent in their own right due to the

TPO status). Subject to this the Tree team do not object to the scheme subject to conditions securing the trees retention and method statement for the works to be undertaken.

5.19 **SCC Sustainability Team – No objection** Subject to the imposition of conditions securing energy and water restriction.

5.20 **SCC Ecologist – No objection**

The application site consists of an area of hard standing with a number of shrubs. Further shrubs and a number of trees are located on a bank running along the northern and eastern boundaries. The nearest designated site is the Rollesbrook Valley Greenway Site of Importance for Nature Conservation (SINC). The nearest statutorily designated sites are the Southampton Common Site of Special Scientific Interest (SSSI) and the Hythe to Calshot Marshes SSSI, which is also a component part of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, which are located approximately 1.65km to the north and south respectively. The risk of direct impacts on designated sites is therefore negligible. The proposed development will however, generate additional recreational activity and payment of the Solent Recreation Mitigation Partnership contribution will be required.

The ecological value of the site is generally low. The hard-standing has negligible ecological value however, the vegetation on the banks, which forms the end of a corridor of vegetation running westwards along the railway line, is likely to support breeding birds and foraging bats.

A bat survey was undertaken and submitted in support of the planning application however, no bat activity was detected within or immediately around the site.

The proposed development will involve the removal six cherry trees from the bank on the northern side of the site. This has the potential to adversely impact breeding birds. 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 takes place either outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist.

To maintain the current extent of habitat for breeding birds, bats and other wildlife the ecologist would like to see a landscaping scheme that includes native and/or species of recognised value for wildlife. The Council's Ecologist would also like to see some simple biodiversity enhancements, including bird and bat boxes, included in the development. This can be secured via the submission of conditions relating to Ecological Mitigation Statement and Protection of nesting birds.

5.21 **SCC Archaeology: No objection**

The site lies within Area 7 of the Local Areas of Archaeological Potential, within the area of the village / hamlet of Fourposts. In the mid-late 19th century the site was occupied by a terrace of buildings known as Sea View Place (this terrace may be Georgian in origin).

The application is supported by a written scheme of investigation for archaeological evaluation (WSI) produced by the Southampton City Council

Archaeology Unit. This is approved for the purposes of the application, however the applicant should be aware that if a different contractor is appointed a revised WSI will be required. There are no objections subject to conditions on archaeology.

5.22 SCC Environmental Health (Contaminated Land): No objection

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures.

5.23 SCC Housing – No objection

As the scheme comprises 12 dwellings in total, the affordable housing requirement from the proposed development is 20%. The affordable housing for this level of development is therefore 2 dwellings.

Officer comment: 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). Officers have no reason to dispute the DVS findings.

5.24 SCC Environmental Health (Pollution & Safety) – No objection subject to conditions securing, a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) demolition suppression and working hours.

5.25 SCC Design – No objection

Due to the design and location of the development a condition is requested requiring a 1:20 typical section of the window detail, and also how the applicants propose to create the number of acute and obtuse return angles in the façade using their chosen material.

5.26 SCC Sustainability Team – No objection Subject to the imposition of conditions securing energy and water restriction.

5.27 SCC Flooding Team – No objection Subject to a condition requiring a drainage system. No suitable information has been submitted with the application in relation to how surface water runoff from the site will be managed as part of the redevelopment proposals. In accordance with the written statement made by the Secretary of State for Communities & Local Government, dated 18 December 2014, major development is expected to utilise sustainable drainage systems to manage runoff, unless demonstrated to be inappropriate. Given the lack of information it is not possible to assess the application in relation to surface water drainage. Therefore a condition is required to secure its provision.

6.0 Planning Consideration Key Issues

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

application are:

- Principle of development;
- Design and amenity;
- Highway Safety and Parking;
- Landscaping and tree protection;
- Development Mitigation

6.2 Principle of development

The application site is not an allocated site within the Council's Development Plan, but it is located in an area with other residential properties. The LDF Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The city has a housing need. 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 a mixed use redevelopment is generally supported if it is agreed that it meets design and environmental policies.

6.2.1 The site is a large site when taking into account the access and this affects the overall density of 80 dph. Policy CS5 indicates that the development density should have regard to the character and appearance of the existing neighbourhood meaning that lower densities can also be supported. Due to the footprint of the area to be built on the density is acceptable when taking into consideration the provision of a further two floors for office use. This proposal will sit comfortably within its immediate context by providing a detached building that contains 12 residential units each with a balcony. The proposal provides a mix of flat sizes (one and two-bed units) and would therefore contribute to the creation of a mixed and balanced community. The family housing threshold is 15 units and does not apply in this instance. The principle of development and its relationship with the established pattern of development is considered to be acceptable.

6.3 Design and amenity

The layout of the development and height is acceptable and is sympathetic to the character of the area and the prominent location of the site. It is therefore in compliance with policy. The scheme provides good natural surveillance of the public footpath down to the station, although this will mainly be during the winter before the tree canopy fills out in summer. The design and materials chosen for the scheme are acceptable as a brick building is preferred in this location. The scheme put forward provides a mix of unit sizes which is welcomed. The plans demonstrate that the accommodation provided allows all rooms to have an outlook and adequate light and have access to the shared facilities including the cycle and refuse storage provided. No ground floor amenity space is provided for the units but each unit has a balcony of between 3 and 6 sq.m. The lack of amenity space is accepted due to the sites proximity to the City centre, where there is access to other facilities.

6.3.1 The proximity between the existing block of units and proposed block is close, but is acceptable. Due to the proposed design and layout of the habitable rooms of the proposed development there will not be any detrimental overlooking caused due to the shape of the building. However, it is clear that the occupiers of Southbrook Rise will have their outlook effected by the proposal as there are habitable windows on the side elevation including

bedroom windows.

6.3.2 With respect to the impact on the adjacent industrial units, and the concern that the occupiers and owners have in terms of the future residents seeking to curb their activities, officers can advise that the site is an urban site and prospective purchasers and residents will be fully aware of the environment within they are moving into. The site is located close to the railway line and industrial estate. The train line is a mainline service that has both passenger and freight trains using it, the trains use the line the evenings and early morning as well as at weekends. Conditions can be used to improve the window specification and associated noise transfer between sites.

6.3.3 The floor plan shows that the principle living space is arranged on the site to notionally 'look away' from the industrial estate to the south of the site. By turning the main aspect of living space to address an oblique view of the industrial estate, any noise would not have a significant bearing on the internal environmental qualities. The inclusion of inset balconies provides further protection from any noise in the surrounding area. Projecting balconies by their nature would be exposed to much more noise. The proposal includes an undercroft car park which serves to raise the residential accommodation further above the industrial estate. The elevation overlooking the industrial estate is characterised by small slot windows which will reduce the impact of any noise impact on the living accommodation on the boundary of the site. However, the bedroom accommodation is located on the southern aspect of the site and while this is close to the industrial estate the units would be likely to be shut in the later evening therefore not detrimentally impacting on bedrooms. The windows are proposed to be metal (double glazed aluminium) frames which has greater noise protection than plastic PVC frames.

6.3.4 The issue of noise has not been raised as a concern by the Environmental Health Officer in their consultation response to the planning application. They advised that they are aware of only one recent complaint against a music recording studio on the estate. The objector was from the Southbrook Rise development but works were carried out by the music studio and the issue has been resolved to both the Council's and complainants' satisfaction. If noise was an issue existing adjoining residents would have made complaints but this is not the case. The units within the JM Loveridge Trading Estate are not subject to planning controls (in terms of hours etc.) and therefore their activities are unrestricted. No information has been submitted to lead officers to the view that the impact on the future occupiers will be affected by the noise emanating from the units. The distance and level changes, along with the design of the building being planned, help to reduce the impact.

6.4 Highway Safety and Parking

The site lies within a highly accessible location and therefore zero parking if proposed would be accepted. However, due to the size of the site parking for both the office use and residential use can be provided. The 12 parking spaces (two spaces for office use) provided are in line with the SCC Parking SPD 2011. The level of parking provision and access arrangements will not detrimentally prejudice highway safety. The proposal has been designed to give consideration to both refuse storage and cycle parking. As a refuse vehicle cannot enter the site, a waste management plan will be required in order to manage the collection of bins to take them to a service point adjacent to the highway for collection. Therefore on this basis the proposal is considered to

address the concerns relating to parking and highway safety and, subject to the suggested conditions, the layout is acceptable. The Council's Highways Officer agrees.

6.5 Landscaping and tree protection

The proposed site has a number of low category trees on site; referred to as T1-T6 which are cherry trees. The Tree team have no objection to these trees being removed subject to the applicant fulfilling the Council's two for one policy on tree removal. Two trees are proposal so the replacement of eight trees will be sought via the S106 legal agreement.

6.5.1 The car park shows a high level of incursion into the Root Protection Area (RPA) of T7, which is a sycamore tree that is subject to a TPO. Due to the nature of the development a large number of significant roots would be destroyed from T7. Furthermore the proximity of the above ground structures would increase the pressure to severely prune or fell T7. The Tree Team have advised that they would object to the proposal if a planning condition is not added to secure appropriate maintenance of this tree post development. The other TPO trees (Sycamore and Bay Laurel) adjacent to the site will not be detrimentally effected by this development. Therefore, subject to the conditions and S106 clause suggested the proposal is acceptable.

6.5.2 The proposed site plan submitted shows soft landscaping to the front of the site near the pedestrian entrance behind the car parking level at lower ground level and more landscaping is proposed. Although details of types of plants proposed are provided numbers and densities are not known so a landscaping condition is imposed to secure the provision of these areas. In addition to low level soft landscaping two trees have been added to soften the hard landscaping appearance and to replace some of the vegetation to be lost. Subject to the conditions suggested by the Council's Tree Team the proposal will not result in any harm to the trees covered by the TPO.

6.6 Development Mitigation

As with all major development the application 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 Planning Obligations SPD (2013). 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 application. Significantly, these measures would include 20% affordable housing (net additional) in accordance with Core Strategy Policy CS15 and highway contributions.

6.6.1 In terms of this development there is an expectation, in the first instance, that 2 units (20% of the 12 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). Clearly at the present time both parties are showing the scheme as unviable to varying degrees.

- 6.6.2 In summary, the overall report demonstrates and confirms that the current development proposal has viability issues, which negates the provision of the Affordable Housing obligation. The report also queries the provision of the office elements of the development proposal, which according to the appraisal, has an “onerous” impact on the scheme suggesting that *“the cost of creating the office space is greater than the revenue achievable from it.”* Finally, the report also questions the suggested *“inefficient design”* of the proposed scheme and suggests that the scheme is *“not considered to be a sustainable development”* due to the height of the development and the lack of the units. Notwithstanding the above officers have to assess the scheme put forward and therefore 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 (i.e. with no provision of affordable housing). It is recommended that the S106 includes a clause that should the last unit not be developed within 30 months a revised viability is required, and the same is true should a scheme be submitted to change the office floors to residential. However, this stipulation requires the viability to be carried out for the whole site and not the two floors seeking consent.
- 6.6.3 In terms of highways contributions the legal agreement seeks to secure a Traffic Regulations Order (TRO) to prevent loading taking place forward of the site in Millbrook Road East. Installation of bollards either side of the cycle dropped kerb access to the front of the site and further measures are required to prevent parking on the footway forward of the site and improvements to the cycle right turn facility on Millbrook Road East to match the modified entrance to the off road route with bollards. In addition the scheme triggers the Community Infrastructure Levy (CIL).
- 6.6.4 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 scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or the character and appearance of the area. The proposed layout and density provides an acceptable residential environment for future

occupiers. The proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

- 8.0** A suitable balance has been achieved between securing additional housing, office floor space, parking, on-site amenity space and landscaping, whilst ensuring that existing residential amenity and trees protected by a Tree Preservation Order are protected.

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

ARL for 11/07/2017 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)

The top two floors of this building shall be for purposes falling within class B1(a) (office) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose whatsoever, without express planning consent from the local planning authority first being obtained.

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 highway safety, residential amenity, and to ensure that the correct level of affordable housing is secured from the development.

03. 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.

04. Window reveal and elevational details [Pre commencement Condition]

Prior to commencement of the development detailed drawings to a scale of 1:20 showing the specification of the design and materials of the window reveals and how the acute and obtuse return angles in the façade can be completed using the chosen material, these details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall subsequently be incorporated in the construction of the development hereby approved.

Reason: To ensure the quality of all window reveals.

05. Archaeological evaluation [Performance Condition]

The archaeological evaluation will be carried out in accordance with the Written Scheme of Investigation submitted by Southampton City Council Archaeology Unit, dated 10 June 2016 (Version 2). In the event that the developer commissions a different archaeological contractor to carry out the evaluation a revised WSI will be required.

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

06. Archaeological evaluation work programme [Performance Condition]

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

Reason: To ensure that the archaeological investigation is completed.

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

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.

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

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

Reason: To ensure that the archaeological investigation is completed.

09. Amenity Space Access [Pre-Occupation Condition]

The balconies serving the development hereby approved, and pedestrian access to them, shall be made available prior to the first occupation of the flat hereby permitted to which they relate, and shall be retained with access to it at all times as approved.

Reason: To ensure the provision of adequate amenity space in association with the approved flats.

10. Refuse management plan [Pre-Commencement Condition]

Prior to commencement a refuse management plan shall be submitted to and be agreed in writing by the Local Planning Authority which sets out refuse strategy for the movement of the euro refuse bins from the units to a collection point and back to the internal storage areas. The collection point should be within 10m of either the public highway or the route of the refuse vehicle. The approved refuse management plan shall be implemented and retain unless agreed otherwise by the Local Planning Authority.

Reason: In the interests of highway safety.

11. 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.

12. Cycle parking [Performance Condition]

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

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

13. Parking area [Pre occupation Condition]

The parking area shown on the approved plans illustrating the provision of 10 spaces for the residential units and two spaces for the office units shall be laid out and ready for use prior to the occupation of development unless agreed otherwise in writing by the Local Planning Authority. These parking spaces shall be retained during the lifetime of the development for use by residents of the office and residential units and their visitors only.

Reason: To prevent off site highway safety issues.

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

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

- i. proposed finished ground levels; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (lighting columns etc.);
- ii. planting plans; written specifications; 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 low level boundary restrictions along the soft landscaped areas to prevent parking and;
- v. a landscape management scheme of all the landscaped areas within the site.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season

following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

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

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

15. Tree protection and clearance [Performance]

The sycamore tree known as T7 shown on the approved plans shall be pruned to maintain a clearance distance of three metres from the nearest elevation. The works shall be undertaken in agreement with the Local Planning Authority unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and the safeguarding of the tree.

16. 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.

17. No storage under tree canopy [Performance Condition]

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.

18. Overhanging tree loss [Performance Condition]

For the duration of works on the site no trees on or overhanging the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than shall be

agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

19. Arboricultural Method Statement [Pre-Commencement Condition]

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

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

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

20. Ecological Mitigation Statement [Pre-Commencement]

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

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

21. Protection of nesting birds [Performance]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

22. 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 demolition and construction;
- (f) details of construction vehicles wheel cleaning;
- (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.

23. 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 urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

24. Energy & Water [Pre-Commencement Condition]

Before the development commences (excluding any site set up or demolition works) 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).

25. 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).

26. 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.

27. Use of uncontaminated soils and fill [Performance]

Any 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.

28. 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.

29. Noise & Vibration [external noise sources] [Pre-Commencement]

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

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

30. Piling [Pre-Commencement]

Prior to the commencement of development hereby approved, a piling/foundation design and method statement shall, if piling is necessary, 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.

31. Site Levels [pre-commencement]

No development shall take place (excluding demolition and site set up) until further details of finished levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include Above Ordnance Datum (AOD) for the proposed finished ground levels across the site, building finished floor levels and building finished eaves and ridge height levels and shall be shown in relation to off-site AOD. The development shall be completed in accordance with these agreed details.

Reason: To ensure that the heights and finished levels of the development are built as agreed in the interests of visual and neighbour amenity.

32. 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.

33. 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.

Note to Applicant

Public Sewerage system and water supply

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

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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

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.

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.

S106 Legal Agreement

Please note that a Section 106 agreement has been completed in relation to this site which should be read in conjunction with this planning consent. A full copy of the Section 106 Agreement is available to view on Public Access via the Southampton City Council website.

Application 16/01125/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
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
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated land
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Private and Confidential

Simon Mackie
Planning Agreements Officer
Planning & Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Southampton Valuation Office
2nd Floor Overline House
Blechynden Terrace
Southampton
Hampshire. SO15 1GW

Our Reference: GAT/1608901
Your Reference: 16/01125/FUL

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

Date : 1st December 2016

Dear Simon,

**DESK TOP REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT
PROPOSED SCHEME: Land Rear of 4 – 8 Millbrook Road East, Southampton**

I refer to our previous fee quote and your email dated 26th September 2016 confirming your formal instructions to carry out a desk top viability assessment in respect of the above proposed development.

In accordance with the requirements of the RICS standards, the VOA has checked that no conflict of interest arises before accepting this instruction.

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

Background:

The current application for this site, reference 16/01125/FUL, is as follows:

'Erection of a 7-storey building to provide 12 flats (4 x 1-bedroom, 8 x 2-bedroom) and two floors of offices with associated parking and landscaping.'

The contention of the developer that at the policy level of section 106 contributions, CIL contributions and 20% affordable housing, the scheme is not viable.

The proposed scheme comprises a new-build 7 storey block on the site of an existing car park and premises which forms part of the larger office site known as Southbrook Rise which is to be converted to residential units under a separate prior approval scheme. The proposed new build block will comprise 4 X 1 bedroom units, 8 X 2 bedroom units and two floors of office space.

The developer is stating that following their assessment the scheme with no affordable housing shows an overall loss on the scheme and therefore no affordable housing contribution can be made.

The Scheme:

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

For the purpose of this desk top assessment we assume the areas stated on the floor plans provided are correct.

The scheme as proposed by the developer is as follows:

Type	Number of Units	Average Unit Size Sq m	Total Net Sq m
Private Residential			
One bedroom apartment	4	47	188.0
Two bedroom apartment	4	57	228.0
Two bedroom apartment	4	59	236.0
Commercial			
Office suite	1	309.5	309.5
Total	13		961.5

Viability Assessment:

This report deals with each major input into the viability assessment of the scheme. This desk top assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by the applicant if we believe them to be reasonable.

We have used a bespoke excel based toolkit with cash flow 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 developer has adopted the following average values compared to ours:

Type	Developer	DVS
1 bed apartments – 47m2	£149,375	£149,375
2 bed apartments – 57m2	£207,500	£207,500
2 bed apartments – 38m2	£212,500	£212,500
Office Suite	£601,045	£601,045

Residential:

From our own research we consider the figures provided for the residential units to be reasonable and we have therefore used the same in our appraisal.

Commercial:

The commercial office space has been valued using an investment method approach. The applicant has adopted a rental value of £15 per square foot capitalised using an investment yield of 8%. A 6 month void period has also been factored in to the valuation to produce a total capital value of £601,045.

From our own research of existing offices within the vicinity, and based on the assumption that there is no pre-let agreement in place, we consider the assertions and capital value put forward by the applicant to be reasonable.

b) Ground rents:

For a development of this type we would expect the residential 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 developer has not included a freehold value but we consider figures of £200 per unit per annum for the 1 bedroom units and £250 for the 2 bedroom units capitalised using a 5.5% yield to be reasonable. This equates to £50,903 which we have included in our assessment.

c) Gross Development Value (GDV):

On the basis of the proposed scheme, with no affordable housing, we assess the gross development value to be in the region of **£2,929,468** whilst the developers have adopted **£2,878,565** - some £50,900 lower due to the capitalised ground rents for the residential units.

2) Development Costs -

a) Build Cost:

A basic breakdown of costs for this scheme undertaken by the developer has been provided to us which show the total base construction costs (not including contingency, professional fees, external works or abnormal costs) to be in the region of £2.976M which is actually greater than the total gross development value for the scheme.

These costs appear to be based on a total gross internal area (GIA) of 1,530m² but the total GIA included in the submitted viability appraisal is 1,082m² and it is assumed that the area used in the breakdown of costs is incorrect as it indicates a net – gross ratio which is too high. We have therefore disregarded these for the purpose of our assessment and have based our costs on a gross area of 1,082m². However, it should be noted that this lower net – gross ratio seems low considering the height of the building and the requirement for a lift shaft.

Within the submitted viability report details of the latest BCIS guide figures have also been provided. A point which should be clarified is that current BCIS figures are inclusive of preliminary works and contractor overheads and profit. This is contrary to the information detailed in the developer's submitted report.

The proposed scheme is for a 7 storey block with undercroft parking. The BCIS guide sample figures for 6+ storey residential flats include much higher rise structures which will be more expensive to build and we do not consider this to be a fair reflection of the cost of the proposed scheme.

Taking account of the quality and value of the location, and the proposed design we consider the current BCIS Lower Quartile figure for 6+ storey blocks of £1,525 per m2 to be more appropriate for the whole structure (residential and commercial), and have included this rate in our appraisal. This is in line with examples from other similar schemes we have assessed in Southampton.

External works costs (not including service connections) have also been included at £107,500 in line with the developer. This equates to approximately 5.8% of our base build costs which is deemed to be reasonable.

For the undercroft element, the developer has indicated a cost of £85,000 total to include 12 X surfaced car parking spaces plus bike and bin stores and we have included the same.

Overall we have included a base build cost of **£1,736,965** compared with the developer's figure of **£2,976,000**.

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

c) Professional Fees – The developer has included **10%** of construction costs for professional fees which is higher than we would expect to see for a relatively simple scheme such as this. From other similar schemes we have assessed we would expect to see closer to **8%** and have therefore included this in our appraisal instead.

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

- Service connections - **£145,000** (£11,154 per unit)
- NHBC warranties - £20,000 (£2,857 per unit)
- Demolition costs - £25,000 (existing concrete ground slab)

The above costs are considered to be reasonable with the exception of the service connections. From other similar schemes we have assessed, we would consider up to £5,000 per unit to be more realistic which equates to **£65,000** total. We have therefore included this in our appraisal.

e) Section 106/CIL Costs – The developer included the following in their appraisal:

S.106: £2,122

CIL: £45,656.

We have included these figures in our appraisal but if this differs, it will affect our assessment.

f) Sales and Marketing Fees – The developer has included a total of 2% for sales and marketing costs in their appraisal which is reasonable for this scheme.

In addition, they have included a total of £14,220 for legal sales fees which is slightly higher than we have seen from other schemes. Considering the commercial element included in this scheme however, it is deemed to be a reasonable total cost for this scheme.

g) Finance costs - The developer has adopted a rate of **7.5%** which is slightly higher than we would expect to see. We have therefore adopted a rate of **7%** (using a cash-flow analysis) to include all arrangement fees which is 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 developer has used a profit level of 17.5% of gross development value and we have included the same.
- i) **Development Programme** – The developer has assumed the following development timeframe for this scheme:
- Construction Period of 18 months (excluding **6 month** lead-in period)
 - Sale period of 4 months beginning directly after the construction period.

We agree with this timeframe with the exception of the lead-in period which we have reduced to **4 months** due to this being a full planning application.

- 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 developer has included a figure of £180,000 which is based on the existing use value of the site as a car park and premises.

This figure represents approximately 6% of our estimated gross development value which is deemed to be acceptable, if slightly conservative compared with other schemes we have seen. Therefore, for the purposes of viability testing we have included the same in our appraisal.

In addition both stamp duty and agent/legal fees have been included at the current rates.

Overall assessment:

Following our desktop assessment we are of the opinion that the proposed scheme, with no affordable housing and a developer profit of 17.5% is not viable and therefore no surplus is available for an off-site affordable housing contribution (See Appendix 1).

Despite this, there are several differences between ours and the developer's figures, as highlighted in bold above which are as follows:

- Gross Development Value (capitalised ground rents only)
- Construction costs
- Professional fees
- Abnormal costs (service connections only)
- Finance costs
- Development programme (lead-in period only)

Our appraisal shows that a loss of approximately -£252,000 will be made on the scheme using a benchmark land value of £180,000 which equates to approximately 9% profit on gross development profit. It is assumed that the developer is only willing to proceed with the scheme because it will be carried out together with the prior consent conversion scheme at the same site.

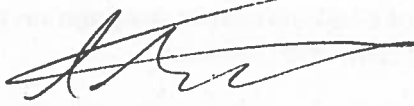
It is assumed that the provision of the office accommodation is a requirement of the Local Authority to demonstrate some continuation of employment use and it should be noted that the cost of creating the office space is greater than the revenue achievable from it. It is therefore onerous to the scheme and this has a direct impact on the viability.

The other main aspect impacting the viability of the scheme is the inefficient design for the relatively small number of units. We would typically expect to see a maximum 4-5 storey construction for this number of units and consider the proposed design to be unrealistic for the revenues which can be achieved. It is therefore not considered to be a sustainable development.

It should be noted that the submitted figures from the developer shows an overall loss on the scheme. It is our opinion that no developer would continue with the scheme on this basis and brings into question the accuracy of the figures put forward by them, particularly the construction costs where we have a significant difference. For the purpose of this assessment we have adopted a gross floor area in line with that used in the developer's appraisal but this looks to be quite low. If it is increased then the construction costs will increase in line which would worsen the viability position further.

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.

Yours sincerely

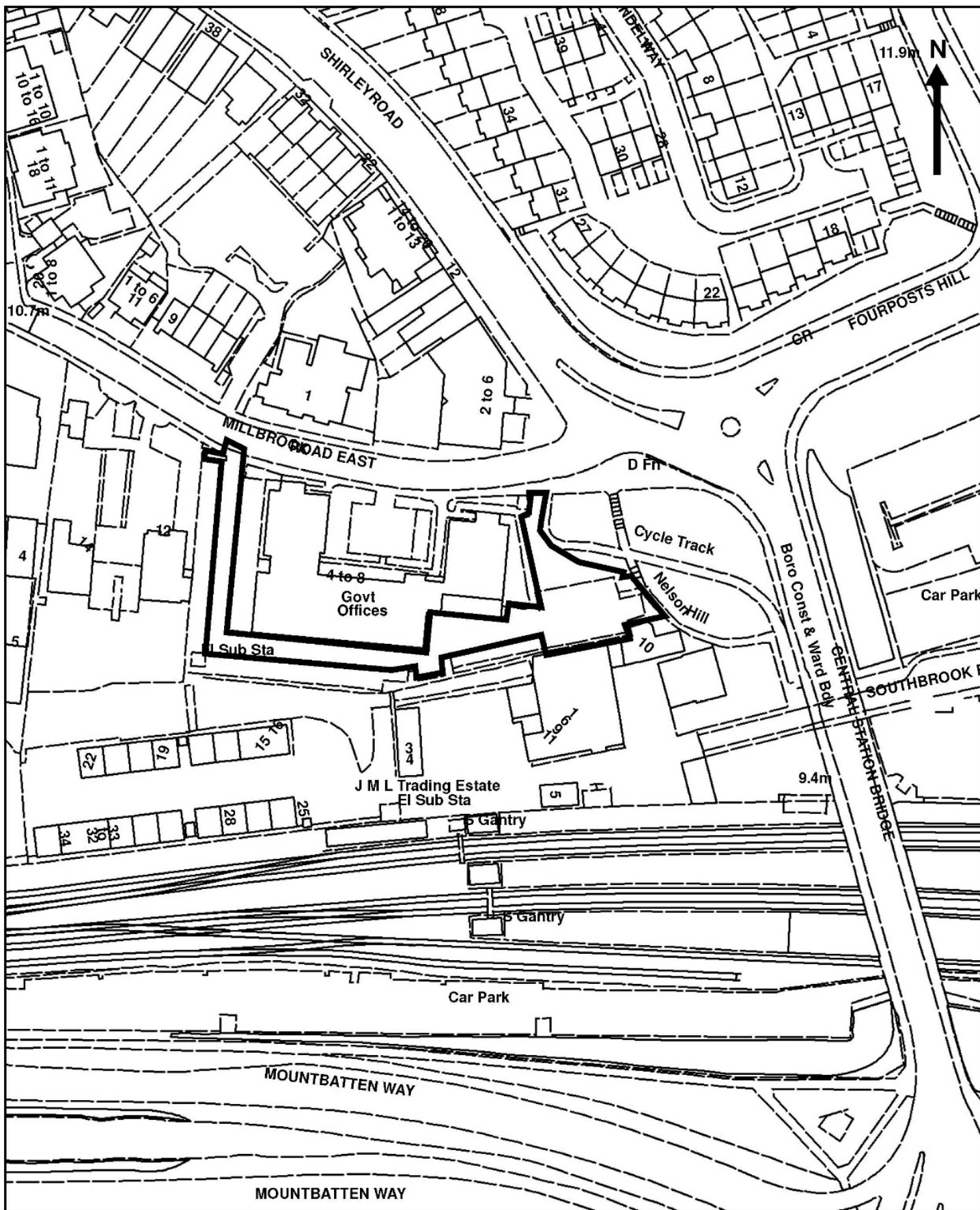


Gavin Tremeer BSc MRICS
RICS Registered Valuer
Development Consultant
DVS South East

Appendix 1 – Viability Appraisal

Agenda Item 7
16/01125/FUL

Appendix 3



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Agenda Item 8

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11th July 2017
Planning Application Report of the Service Lead - Infrastructure, Planning and
Development**

Application address: 137-143 South East Road			
Proposed development: The installation of new refrigeration plant and AC unit, external cold-room, barrier rail, access door, relocated existing AC unit and cycle racks.			
Application number	17/00664/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	15.06.2017	Ward	Sholing
Reason for Panel Referral:	Request by Ward Member and five letters of objection have been received	Ward Councillors	Cllr Wilkinson Cllr Bailie Cllr Hecks
Referred to Panel by:	Cllr Hecks	Reason:	Support for local residents in relation to noise and activity associated with site

Applicant: The Co-operative Group	Agent: Wellsfield Associates
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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 Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9 and SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Planning history

Recommendation in Full

Conditionally approve

The site and its context

- 1 The application site is a corner plot, between Chapel Crescent and South East Road, with a ground floor retail unit, fronting onto South East Road, and a service area to the rear. There are flats at first floor level above the retail unit. The surrounding area is predominately residential in nature.

Proposal

2. The application relates to a number of minor physical alterations to the existing premises in addition to the installation of replacement plant equipment to the rear and the erection of an outbuilding to act as a 'cold-room'. The cold room would be 2.16 m in width, 5.73 metres in length and just over 2.5 metres high.

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.

Relevant Planning History

- 4 A recent application of a similar nature was approved under 16/01836/FUL although it is considered that there are a number of differences from the current proposed alterations so a fresh assessment is considered necessary.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (05.05.2017). At the time of writing the report **5** representations have been received from surrounding residents and from Ward Councillor Hecks. The following is a summary of the points raised:
 - Additional noise/disturbance and activity would be harmful to neighbouring residential occupiers, particularly during the night.

Response: This is discussed in more detail, below.

5.2. Consultation Responses

- 5.2.1 **SCC Environmental Health** - Following a careful perusal of the associated documents and, in particular, the new Noise Impact Assessment report dated 13 April 2017, it has been determined by a suitably qualified Acoustic Consultant that "In accordance with paragraph 14 of the National Planning Policy Framework (2012) planning permission should be granted for the proposal as the benefits outweigh any significant adverse impacts in terms of noise from the installation of the proposed additional mechanical equipment". Furthermore, it

appears that the overall noise levels should be reduced and be an improvement on the existing plant noise levels. We, despite residents' concerns, which don't seem to comment on the noise report in question, have no objections to the proposed development.

- 5.2.2 I note that one resident is concerned about increased illuminated light levels but I don't think this is part of the application. Furthermore, we in Environmental Health enforce light nuisance legislation and, if there are concerns, we can make an assessment outside of the planning framework.
- 5.2.3 I have also noted that residents are concerned with existing noise levels and I did get involved some years back now in getting the Co-op to undertake noise mitigation measures which did reduce noise levels. It does mention in the current noise report that there should be no audibility at the site boundary and that no additional noise mitigation measures are required. New refrigeration/air conditioning plant is as a rule now much quieter than older plant and it would be in my professional opinion beneficial to have the new plant installed which should reduce overall noise levels and be an improvement. Other noise issues have been mentioned by residents but these are not subject to the current planning application and I have to comment in relation to the proposals appertaining to this application only. To conclude, we in Environmental Health are supportive of the current application.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application relate to the impact in terms of residential amenity, particularly in terms of noise, and the acceptability of the alterations in terms of design and visual amenity.
- 6.2 The installation and alterations to the layout and screening of the plant equipment and service yard area have been assessed by the Council's Environmental Health team, who are satisfied that there will not be a significant increase in the noise associated with this equipment. A detailed noise report has been provided with the application and a condition is suggested to ensure the new equipment operates in accordance with the specification provided (see condition 2, below) As set out above, Environmental Health are also of the view that the new refrigeration and air conditioning plant would represent an improvement in terms of noise disturbance to nearby residents.
- 6.3 In terms of the physical form of the development, the new coldroom would be situated in close proximity to the boundary with the neighbouring property to the rear (1 Chapel Crescent) however, given the above and the existing relationship between the two properties, it is not felt that the installation would be harmful either in terms of the scale of the development or the additional noise and activity associated. The other alterations proposed are considered to be minor in nature and no objection is raised in this regard.
- 6.4 In terms of appearance, it is not considered that the proposed alterations to the plant equipment, service yard layout and new coldroom would represent a significant departure from the existing appearance and would be consistent with the commercial character of the site. As such, no objection is raised on this basis.

Summary

- 7 The Council's Environmental Health team have assessed the proposals and do not find them harmful to neighbouring residential amenity. Furthermore, the proposal would not have a harmful impact on the character and appearance of the area. As such, the proposal complies with the relevant planning policies, set out below.

Conclusion

- 8 For the reasons outlined 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(d)(e), 4(f), 6(a)(b)

JF for 11/7/17 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition

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

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

02. Noise

The development shall be implemented in accordance with the details outlined in the submitted 'Noise Impact Assessment' (dated 13/04/2017), with suitable noise mitigation installed. The development shall be maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby occupiers.

03. Materials

The development shall be implemented in accordance with the external details and materials outlined in the submitted application form.

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.

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
SDP16 Noise
SDP17 Lighting

Other Relevant Guidance

The National Planning Policy Framework (2012)

Relevant Planning History

17/00513/ADV, Installation of 2 x internally illuminated fascia signs, 1 x non illuminated fascia sign, 3 x internally illuminated signs and 1 x non illuminated wall panel sign.
Pending

16/01836/FUL, The installation of refrigeration plant, condensers and external cold-room including new fencing external staircase and access gate.
Conditionally Approved, 30.01.2017

08/01674/FUL, Alterations to entrance comprising new shop front and access ramp.
Conditionally Approved, 15.01.2009

08/01623/FUL, Installation of mechanical and air conditioning plant to rear service yard
Conditionally Approved, 12.01.2009

08/01049/ADV, Display of 3 externally illuminated fascia signs and 2x internally illuminated projectory signs
Conditionally Approved, 02.09.2008

03/01729/FUL, Installation of 2 no. air conditioning units to rear elevation and new automatic entrance doors and trolley bay to front elevation.
Conditionally Approved, 29.01.2004

03/01415/FUL, Installation of 1m-diameter satellite dish mounted on flat roof.
Conditionally Approved, 17.11.2003

03/01201/ADV, Installation of fascia sign and one projector sign with illuminated logos.
Conditionally Approved, 22.09.2003

17/00664/FUL



Scale: 1:1,250

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