

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 22 June 2010
 Planning Application Report of the Head of Division

Application address: Fleming Arms, Wide Lane, SO18 2QN			
Proposed development Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms			
Application number	10/00399/FUL	Application type	FUL
Case officer	Jenna Turner	Application category	Q12 – Major (Smallscale)

Recommendation Summary	Delegate to Head of Planning and Sustainability to grant planning permission subject to criteria listed in report
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Reason for Panel consideration	Major development (small scale) requiring completion of a legal agreement under Section 106 of the 1990 Act
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Applicant Fuller Smith And Turner	Agent Walsingham Planning
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Date of receipt	01/04/2010	City Ward	Swaythling
Date of registration	01/04/2010	Ward members	Cllr Turner
Publicity expiry date	20/05/2010		Cllr Odgers
Date to determine by	01/07/2010		Cllr Osmond

Site area	0.51 ha
Existing Public House (Use Class A4)	228 sq.m
Hotel floorspace proposed (Use Class C1)	1282 sq.m

accessibility zone	Band 3 (Medium)	policy parking max	19 spaces
parking permit zone	no	existing site parking	58 spaces
cyclist facilities	none	car parking provision	38 spaces

Key submitted documents supporting application			
1	Flood Zone Sequential Test	2	BREEAM Preliminary Assessment
3	Biodiversity Statement and Checklist	4	Energy Statement
5	Statement of Community Involvement	6	Sustainability Statement
7	Site Waste Assessment & Management	8	Heritage Statement
9	Transport Assessment	10	Arboricultural Report
11	Ecology Report	12	Flood Risk Assessment
Appendix attached			
1	Local Plan Policy schedule	2	Planning History

Recommendation in full

Delegate to Head of Planning & Sustainability to grant planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- a) To implement an agreed series of site specific transport works under S.278 of the Highways Act or a financial contribution towards site specific highway improvements in the vicinity of the site in accordance with policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- b) A financial contribution towards strategic transport projects for highway network improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- c) The submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer
- d) The submission and implementation within a specified timescale of a Travel Plan, in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) and;
- e) The submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- f) A commitment to the delivery of the repair works to the Stable block to be tied to the phasing of the other development works

Or

That the D C Manager be authorised to refuse permission if the Section 106 Agreement has not been completed by 1st July 2010 on the ground of failure to secure the provisions of the Section 106 Agreement.

Background

This application has been submitted in conjunction with an application for Listed Building Consent (LPA reference 10/00400/LBC) and is a resubmission of an application refused last year (**Appendix 2 refers**).

Site and Surrounds

The application site comprises the Grade II Listed 'Fleming Arms' public house which is sited within a large plot, the majority of which is laid out for car parking purposes. The pub itself is an 18th Century 3 storey building, albeit with the 3rd floor accommodation within the roof space. To the rear of the site is a single storey outbuilding structure (originally a stable block associated with the main building) which, in spite of its poor condition is a building of historic

and architectural interest in its own right. The outbuilding has been vacant for a considerable period of time, but was last used as a nightclub (planning permission 1425/65/R2 refers). The structure is in a dilapidated state and currently is protected from the elements by a temporary canopy. Both the main public house building and the stable block have undergone a number of alterations and additions in the past.

The site is bounded by the railway line to the west and to the east of the site is the Monks Brook Greenway and watercourse which is a Site of Importance for Nature Conservation (SINC), as well as the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Greenway contains a number of mature trees and vegetation. Beyond the greenway is a 3-storey block of flats which is at a higher level than the application site. The site lies within Flood Zone 3 which is an area of high flood risk.

Development Proposal

The application proposes a hotel extension to be constructed to the rear of the site within the existing car parking area. The proposal also involves an extension to the existing outbuilding and the construction of an additional two-storey block which would be attached to the outbuilding via a glazed link. The outbuilding would be renovated to accommodate three bedrooms and associated storage. The new hotel block would provide 34 bedrooms together with a reception at ground floor. At its highest point, the extension would be 9 metres in height which is a metre lower than the main public house building. The development would be accessed via the existing vehicular access from Wide Lane.

The hotel would comprise a horseshoe style layout around a central car parking area. The building would have a pitched roof design constructed of facing brick, slate roof with elements of tile hanging. The roof accommodation would be served by dormer windows and a lean-to canopy would be provided at single-storey level.

Relevant Planning Policy

LDF Core Strategy - Planning Southampton to 2026

Following receipt of the Inspector's Report from the Examination into the Southampton Core Strategy Development Plan Document (13/10/2009) and its consideration and adoption by the Council (20/01/2010), the policies of the LDF Core Strategy, and those "saved" from the Local Plan Review form the planning policy framework against which this application should be determined.

The relevant CS policies and the "saved" policies from the Local Plan Review are set out at **Appendix 1**. In particular, the adopted LDF Core Strategy Policy CS13 (Fundamentals of Design), as supported by Local Plan Policy SDP1 and CS14 (Historic Environment) supported by Local Plan Policy HE3 are relevant in the determination of this application.

Policy CS13 (3) requires new development to reflect the importance of the city's historic heritage and to have a positive impact on its surroundings. Policy SDP1 requires a high quality design approach to new developments.

Policies CS14 and HE3 specifically seek to protect the character and setting of Listed Buildings.

Sustainability Implications

Major developments are expected to meet high sustainable construction standards in

accordance with the City Council's adopted policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan saved Policy SDP13 the applicant has submitted detailed statements relating to Energy and Sustainability as well as carrying out a BREEAM preliminary assessment which demonstrates that the proposal could achieve BREEAM 'Very Good' standard and a 14% carbon saving.

Relevant Planning History

The planning history of the site is attached in **Appendix 2** to this report. The application is a resubmission of a scheme which was refused last year for reasons relating to flooding and ecology. The building itself has undergone a number of alterations and it should also be noted that Listed Building Consent was approved in 2006 for repair and refurbishment works to the stable block. This consent has not been implemented due to the absence of a viable use for the block.

Consultation Responses & Notification Representations

A consultation exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report, **0 representations** had been received from surrounding residents.

Summary of Consultation comments

SCC Historic Environment Officer – No objection. Suggests the imposition of conditions to secure good quality materials together with details of the flood barriers to the public house and stable block.

SCC Ecologist – No objection. The proposed development will not result in the direct loss of habitat. The submitted ecological appraisal has assessed the indirect impacts which may result from the development and a satisfactory mitigation strategy has also been submitted which deals with these impacts. Accordingly no adverse impact on protected species would occur as a result of the development. Conditions are suggested to secure the mitigation strategy, the protection of nesting birds during construction and details of lighting.

SCC Tree Officer – No objection. No objection to the removal of the trees as indicated and suggests conditions to secure replacement tree planting and to secure the recommended tree protection measures.

SCC Archaeology – No objection. Suggests conditions to secure an archaeological investigation to be carried out and a written scheme of investigation to be submitted to the Local Planning Authority.

SCC Environmental Health (Food Safety) – No objection. Suggests a condition to secure a scheme for the prevention of noise disturbance to the hotel from the railway.

SCC Environmental Health (Pollution and Safety) – No objection. Suggests conditions to minimise disturbance during the construction process.

SCC Environmental Health (Contaminated Land) – No objection. Suggests conditions to assess potential land contamination and to secure any necessary mitigation measures.

SCC Highways – At the time of writing, no comment has been received, however, a verbal update will be provided at the meeting.

Environment Agency – No objection. Suggests conditions to secure further flood mitigation measures.

Southern Water – No objection. Suggests a condition to secure details of foul water drainage to be submitted for an approval.

Planning Consideration Key Issues

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

- The principle of development
- The impact on the Listed Building and character of the area
- The impact on flooding and the impact of flood risk to the development
- The impact on ecology
- The relationship of the development with trees

The key issues need to be assessed in light of the planning history of the site, namely whether the reasons for refusing application 09/00018/FUL have been overcome, specifically if the impacts on biodiversity and flood risk has been fully addressed and whether the impact on local infrastructure can be adequately mitigated against.

1. Principle of Development

The proposed development would secure much needed repair works to the Stable Block and bring it back into active use which is a key way in which the upkeep of the building can be secured. Currently, the stable-block in particular appears as an eye-sore as a result of the temporary covering which protects it from the elements and therefore the refurbishment and re-use of this building is welcome. The phasing and completion of the repair works to the stable block can be secured via the Section 106 Agreement.

The site lies within an area of Medium Accessibility for public transport; and therefore benefits from good public transport links to the city centre, university and Southampton Airport. As such the principle of providing a modest sized hotel use in this location is considered to be acceptable in principle and it's ancillary nature to the established pub use is also noted.

2. Scale, Design and Appearance/Impact on Listed Building

The extensive car parking area to the rear of the site provides a poor setting for the Listed Building and as such the introduction of the proposed hotel buildings would be a marked improvement to the current condition of the site. The horseshoe style layout of the development would help to enclose the car parking area which would ensure that the car parking would no longer dominate the setting of the listed building.

The applicants have chosen a traditional and uncomplicated design which would not detract from the character and appearance of the existing buildings on site. The height of the extension would be clearly subordinate to the main public house building to ensure that it does not adversely affect its setting. Historically, outbuildings within the curtilage of a building would be informally positioned and would vary in terms of scale and design. It is considered that the proposed additions would accord with this character. Moreover, the arrangement of buildings would assist the creation of a typical courtyard setting.

A simple glazed link is proposed between the original building and the proposed extension which provides a clear transition between old and new and prevents the two-storey element from appearing overbearing when compared with the stable block. This relationship is also assisted by a recessed two-storey section adjacent to the stable block.

In addition to this, bringing the vacant building back into use and introducing buildings which actively survey the surrounding open space would be positive from a crime prevention perspective.

The application is therefore considered to accord with the relevant development plan policies relating to design and heritage, namely CS13, CS14 and HE3.

3. Impact on Residential Amenity

The lawful use of the stable block is a nightclub and it is considered that a hotel use would be a more harmonious form of development with the residential neighbours. The application proposes a modestly sized hotel and as such it is considered that the level of activity related to the proposed use would not have a significant impact on residential amenity. The application site is sufficiently separate from neighbouring residential properties to ensure that no harmful impact on residential amenity would occur and furthermore, it is likely that the hotel use would benefit from on-site management.

4. Highways and Parking Issues

The development would be served by the existing vehicular access into the site and measures secured via a planning condition would ensure enhancements to the access itself. Whilst the proposal involves the loss of 20 car parking spaces, this would still be in excess of the policy maximum for a Medium Accessibility Area. The application is accompanied by a detailed Transport Assessment which adequately justifies the number of parking spaces proposed. In addition to this, there were no highway objections to the earlier scheme.

5. Floodrisk (previous reason for refusal No.1)

The application site lies within an area of high flood risk and in such locations, PPS25: 'Development and Flood Risk' requires new developments to reduce flood risk where possible and to demonstrate that proposals will not increase flood risk elsewhere. Prior to the submission of the application, further modelling work was carried out relating to the predicted flood water levels together with the completion of an engineering report to assess the adequacy of the existing defences. A series of enhancement measures have been proposed to include the repair of the existing riverside walls and the provision of new sheet piling along the western boundary to enhance the protection of the site. A condition is suggested to secure these measures. The removal of the rear extension to the stable block in this application has also avoided the possibility of impacting on the existing flood defences.

6. Trees and Ecology Issues (previous reason for refusal No. 2)

Since the previous application was refused, the applicants have carried out additional ecological survey work in consultation with the Council's Ecologist. Further surveys in respect of water voles, otter and bats have been carried out with no further ecological interest found adjacent to the application site. The Council's Ecologist and the Environment Agency are now satisfied that a full assessment of the potential impact of the development protected species has been carried out and that no harmful impact to biodiversity will occur. A series of mitigation and enhancement measures are proposed which have been fully informed by the submitted survey information.

In terms of physical changes to the scheme itself, an extension to the rear of the stable block has been omitted from the proposal, and this ensures that there is an adequate buffer between the development and the Monks Brook.

The application proposes the removal of 5 trees which are not subject to Tree Preservation Orders and the Council's Tree Officer has not objected to their removal. The retained trees on and off of the site can be adequately protected during construction.

7. Section 106 Agreement (previous reason for refusal No. 3)

Should the recommendation be supported the applicants have indicated their willingness to enter into a S.106 Legal Agreement with the Council in order to secure the contributions towards items detailed under the recommendation above, that mitigate the development's direct impacts on the local infrastructure.

Summary

The introduction of hotel accommodation to the rear of the site would have a positive impact on the setting of the Listed Building and introduce employment opportunities on this under-used site. The proposal is considered to have addressed the previous reasons for refusal in respect of ecology and flood risk.

CONCLUSION

For the reasons as set out above, subject to securing the suggested measures in the Section 106 Agreement, the proposal is considered to be acceptable.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a) (b) (c) (d), 2 (a) (c) (d) (e), 4 (a) e) (s), 5 (e), 6 (a) (c) (f) (i), 7 (a) (i) (m) (x) (z), 8 (a), 9(a), 9 (b), PPS4 – Sustainable economic growth and PPS5: Planning for the Historic Environment

JT 25.5.10 for 22.6.10 PRow

RECOMMENDATION: DEL

CONDITIONS for 10/00399/FUL

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

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

Reason:

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

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

Notwithstanding the information indicated on the submitted plans, no work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. 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 interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Flood Defences [pre-commencement conditions]

Prior to the commencement of the development hereby approved, a scheme shall be submitted to the Local Planning Authority for approval in writing detailing measures to defend the site from fluvial flooding. The scheme shall include the following:

1. A continuous hard flood barrier along the railway embankment to the western site boundary together with structural design calculations;
2. A raised strip to prevent the site being outflanked by floodwater
3. Seal external openings from the existing building from the flood water
4. Removable flood barriers to all public house external doors

REASON

To ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding, to ensure safe access and egress to and from the site and to reduce the risk of flooding to the proposed development and future occupants.

04. APPROVAL CONDITION - Landscaping detailed plan [Pre-Commencement Condition]

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

The landscaping scheme shall specify all trees to be retained and to be lost and shall provide an accurate tree survey with full justification for the retention of trees or their loss. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise) to ensure a suitable environment is provided on the site.

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

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

Reason:

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

05. APPROVAL CONDITION – Landscape Management Plan

Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to the Local Planning Authority for approval in writing. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following details of invasive species control and maintenance regimes.

REASON

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

06. APPROVAL CONDITION - Ecological Mitigation Statement [Pre-Commencement Condition]

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

Reason

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

07. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

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

08. APPROVAL CONDITION - Lighting [Pre-Commencement Condition]

A written lighting scheme including light scatter diagram with relevant contours shall be submitted to and approved in writing by the Local Planning Authority prior to implementation of the lighting scheme. The scheme must demonstrate compliance with table 1 "Obtrusive Light Limitations for Exterior Lighting Installations", by the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light 2005. The installation must be maintained in accordance with the agreed written scheme.

Reason:

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

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

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

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

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

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

Reason:

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

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

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

Reason:

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

11. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

12. APPROVAL CONDITION - Tree Protection Measures [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in accordance with the tree protection measures as detailed in the submitted Arboricultural Report (reference TF/AIA/MS/687).

REASON

In the interest of the health of the adjacent trees.

13. APPROVAL CONDITION - Archaeological investigation [Pre-Commencement Condition]

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

Reason:

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

14. APPROVAL CONDITION - 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. APPROVAL CONDITION - Foul Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the means for foul sewerage disposal shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

To secure a satisfactory form of development

16. APPROVAL CONDITION - Noise mitigation [pre-commencement condition]

Prior to the commencement of the development hereby approved, a written scheme for the prevention of noise disturbance to the hotel rooms from railway noise shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details and findings and any mitigation measures installed as approved and thereafter retained as approved.

REASON

To ensure the development is not subject to undue noise and disturbance from the adjacent railway.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

18. APPROVAL CONDITION – On site management details [pre-occupation condition]

Prior to the development first coming into use details of on-site management arrangements shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.

REASON

In the interests of the amenities of the neighbouring residential occupiers.

19. APPROVAL CONDITION – Parking and Access [pre-occupation condition]

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development and the existing dwelling shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The parking shall be thereafter retained for that purpose.

REASON

To ensure a satisfactory form of development

20. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the development hereby approved shall be used only for a C1 hotel and not for any other purpose.

Reason:

For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area.

21. APPROVAL CONDITION - BREEAM Standards (commercial development) [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development has achieved at minimum a rating of Very Good against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009).

22. APPROVAL CONDITION - Renewable Energy (Pre-Commencement Condition)

Prior to development of this proposal commencing full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing with the Local Planning Authority which shall achieve the agreed target of 14% (insert % target required/agreed as feasible) reduced CO2 emissions as detailed within the agreed submitted energy assessment.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the

23. APPROVAL CONDITION - replacement trees [Performance Condition]

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date

of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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 application is considered to have fully addressed the reasons for refusing application reference 09/00018/FUL. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - CS3, CS13, CS14, CS18, CS19, CS20, CS22, CS23 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010)

Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP12, SDP13, SDP14, SDP16, SDP17 and SDP22 of the City of Southampton Local Plan Review (March 2006).

Note to Applicant

1. Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Monks Brook. Consent is further required under section 109 of the Water Resources Act 1991 for the erection or alteration of any structure designed to contain or divert the floodwaters of any part of a main river.

Relevant Planning Policy

Local Development Framework Core Strategy Development Plan Document Policies

CS3	Town, District and Local Centres
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport
CS19	Car and Cycle Parking
CS20	Tackling and adapting to Climate Change
CS22	Promoting biodiversity and protecting habitats
CS23	Flood Risk
CS25	The delivery of infrastructure and developer contributions

Adopted City of Southampton Local Plan Review Policies

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security
SDP12	Landscape and Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
SDP22	Contaminated Land
NE1	International Sites
NE2	National Sites
NE3	Sites of Local Nature Conservation Importance
NE4	Protected Species
HE3	Listed Buildings
HE6	Archaeological Remains
CLT1	Location of Development

Relevant Planning History

1250/19 Resurfacing for car parking	Conditionally Approved 24.09.63
1312/46 Alterations and additions	Conditionally Approved 02.08.66
1344/52 Double garage	Conditionally Approved 12.02.68
1388/62 Alterations to form store	Conditionally Approved 24.02.70
1425/65R1 Building for store	Conditionally Approved 24.02.70
1425/65/R2 Alterations to form club bar	Conditionally Approved 14.12.71
1473/E31 New Beer store	Conditionally Approved 05.11.74
1524/E23 Extension to beer cellar	Conditionally Approved 17.05.77
1623/E6 Two-storey rear extension	Conditionally Approved 01.02.83
900011/E Infilling of existing canopy to form enclosed entrance lobby and internal alterations	Conditionally Approved 14.02.90
02/01427/FUL New entrance porch and bay window to side elevation	Conditionally Approved 09.12.02
02/01428/LBC Internal and external alterations and construction of porch	Conditionally Approved 12.12.02
04/01916/FUL Partial demolition of flat roofed addition to outbuilding on the north east elevation and alterations to the fenestration of the building	Conditionally Approved 18.02.05
04/01920/LBC Internal and external alterations and repairs to outbuilding and partial demolition of flat roofed addition to north east elevation	Conditionally Approved 18.02.05
06/00479/LBC Re-roofing of detached structure to the north east of the public house building	Conditionally Approved 30.06.06

06/01917/FUL

Conditionally Approved 13.02.07

Reinstatement of flood defence bank and associated works

09/00018/FUL

Refused 08.04.09

Alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms

Reasons for Refusal:

01.

REFUSAL REASON – Flood Risk

Based upon the information submitted the Local Planning Authority is not satisfied that the development would not be at risk from flooding or increase flood risk elsewhere. In particular, insufficient regard has been had to fluvial flood risk and adequate flood risk management and mitigation measures have not been incorporated into the proposal. In addition to this, the proposal would restrict access to the adjacent river which is likely to hinder future maintenance and improvement works, thereby increasing flood risk. As such the proposal is considered to prove contrary to policies SDP1 (i) and SDP20 (i), (ii) and (iii) of the City of Southampton Local Plan Review March (Adopted Version March 2006) and the guidance contained within PPS25: Development and Flood Risk December 2006.

02.

REFUSAL REASON – Biodiversity Protection and Enhancement

Insufficient survey work has been undertaken to assess the likely impacts on protected species within the adjacent Monks Brook Greenway Site of Importance for Nature Conservation. Accordingly the development could have a detrimental impact on protected species and fails to incorporate any mitigation measures. Furthermore, the absence of a buffer strip between the proposed development and the greenway could adversely affect effectiveness of the river corridor in linking habitat. The development would prove contrary to the provisions of SDP1 (ii), SDP12 (i), NE3 and NE4 of the City of Southampton Local Plan Review (Adopted Version March 2006).

03.

REFUSAL REASON – Failure to complete Section 106 Agreement

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of policy IMP1 of the City of Southampton Local Plan Review Adopted Version March 2006 as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

- A) Measures to support sustainable modes of transport such as necessary improvements to public transport facilities, site specific access improvements and pavements in the vicinity of the site have not been secured contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- B) Measures to support strategic transportation initiatives have not been secured. As such the development is also contrary to the City of Southampton Local Plan Review Adopted Version March 2006 policies SDP1, SDP2 and SDP3;
- (C) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;
- (D) In the absence of a training and employment management plans to support local employment initiatives the proposal would prove contrary to SDP1 and IMP1 of the City of

Southampton Local Plan Review (Adopted Version March 2006)

(E) In the absence of a construction phasing plan, the Council is not satisfied that the refurbishment works of the Listed outbuilding would be delivered. The proposal would not, therefore, be in accordance with policy HE3 of the Local Plan Review (Adopted Version March 2006).

09/00029/LBC

Withdrawn 30.06.09

Listed building application for alterations and extensions to the outbuilding at the rear of the site including the erection of a two-storey building to provide 38 hotel bedrooms (Full application 09/0018/FUL).

