

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 20th July 2010
 Planning Application Report of the Head of Division

Application address: 165 St Mary Street and The Former Chantry Hall Site, Chapel Road, Southampton
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Proposed development: Erection of a 4-storey multi-use building to provide an ice-rink and associated facilities including car parking, retail, café and restaurant uses with vehicular access from St Mary Street and alterations to the adjoining highway (Outline application with access, layout and scale for consideration at this stage).
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Application number	10/00335/OUT	Application type	Outline (Q 06)
Case officer	Richard Plume	Public speaking time	15 minutes

Applicant: Mr. C. Warburg	Agent: Mr. P. Lette, P.L.D. Architects
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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 Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development would provide an important sports and leisure facility for the city with additional employment and regeneration benefits. These benefits are considered to outweigh the loss of protected trees and the adverse impact on the amenities of neighbours. The Council is satisfied that the setting of the adjoining listed church would not be adversely affected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP8 SDP9, SDP10, SDP13, SDP16, CLT1, MSA1 and MSA12 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS13, CS14, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth 2009), PPG13 (Transport) and PPG24 (Planning & Noise) are also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Delegate to the Head of Planning & Sustainability to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Provision of site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

- ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. The provision of Public Art in accordance with Council Policy
- iv. Incorporation of energy conservation measures in accordance with Policy CS20 of the Core Strategy
- v. Submission and implementation of a Travel Plan
- vi. Submission and implementation of a Refuse Management Plan
- vii. Submission and implementation of a Training and Employment Management Plan
- viii. 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.

1. The site and its context

1.1 The application site is 0.272 hectares in area and is situated on the south side of St Mary Street and Chapel Road. The site is vacant and has been cleared of the buildings which were previously on the site. The site was previously in two parts: the land to the west, 165 St Mary Street, was formerly a garage and tyre fitting depot; the eastern part of the site was the former listed Chantry Hall building, originally a church hall but later a night club, which was destroyed by fire.

1.2 The surrounding area is mixed in terms of uses, building type and design. The substantial Central Hall church and community building adjoins to the south west with a hall of residence (4 to 6-storeys) on the opposite side of St Mary Street. Smaller scale two and three-storey residential buildings adjoin to the south and east in Maryfield. The listed St Mary's Church and its substantial landscaped grounds is on the opposite side of Chapel Road. The application site is within the city centre boundary as defined by the Local Plan.

2. Proposal

2.1 Outline planning permission is sought for the redevelopment of the site to provide a multi-purpose building with an Olympic size ice rink of 26 metres x 54 metres at its centre. The proposed building would be on 4 levels with retail use on the ground floor, one larger unit and 6 small units, to provide retail floorspace of 899 square metres. Two levels of covered car parking (75 spaces) would be provided with a new vehicular access in the North-West corner of the site. The proposed ice rink would be on the upper floors with ancillary facilities such as changing rooms, offices and skate hire as well as a café. The top floor would incorporate raked seating for the rink, viewing boxes and a restaurant overlooking the rink.

2.2 The total floorspace of the proposed building would be 7,949 square metres of which the ice rink and associated facilities would amount to 3,529 sq.m. and the enclosed car parking would be 3,153 square metres in area. The applicant has estimated that the development would provide 45 full-time and 68 part-time jobs. The proposed hours of use of the development would be: retail – 0700 to 2100 hours; ice rink – 0500 to 0200 hours the following day; restaurant 1100 to midnight. The applicant estimates that the use of the ice rink facility could equate to 260,000 people per annum with space being available for 700

spectators at ice hockey matches which would take place twice a fortnight on Saturdays or Sundays between 1700 and 2100 hours.

2.3 Details of Access, Layout and Scale are provided for consideration at this stage. The proposed building would cover virtually the whole site area which would mean that two protected lime trees on the road frontage would be removed. The application proposes to widen the pavement in Chapel Road to create a raised shared surface table which will help reduce traffic speeds and enable safe egress in the event of a flood. The widened pavement will incorporate 4 semi mature trees in planters on the highway together with bollards and cycle racks. Although the appearance of the building is a reserved matter for future approval, the application drawings indicate that the south and east elevations of the building would effectively be 'open' with grilles to allow for green wall planting.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the South-East Plan: Regional Spatial Strategy (May 2009), the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council's adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13.

3.3 Council policy (Policy CLT1 of the Local Plan) and government policy in PPS4 encourages large scale leisure developments to be located within the city centre to allow for access by various means of transport.

4. Relevant Planning History

4.1 **165 St. Mary Street:** In 2007, outline planning permission was granted for redevelopment of this site with a 6-storey building to provide retail, offices and 36 x one-bedroom flats (ref: 06/01120/OUT). This permission has not yet been implemented but remains extant.

4.2 **Chantry Hall site:** In September 2008, outline planning permission was refused for erection of a new building ranging in height from 4-storeys to 7-storeys to provide shops (Class A1), restaurants/cafes (Class A3) and 59 flats (ref: 08/00870/OUT). The grounds of refusal were: the height and massing of the proposed building and the detrimental impact this would have on the character of the area and the setting of the listed church; the impact on residential amenity of the properties in Maryfield through loss of privacy, overshadowing and increased enclosure; the lack of an adequate flood risk assessment; inadequate vehicle access for a refuse vehicle; and failure to complete a Section 106 agreement.

4.3 In February 2009, outline planning permission was refused for a revised application proposing a building ranging in height from 4-storeys to 7-storeys to provide shops (Class A1), restaurants/cafes (Class A3) and 56 flats (ref: 08/01743/OUT). The reasons for refusal were similar to the previous development in terms of scale of building, character, residential amenity and Section 106 obligations. A different reason for refusal covered alterations to the highway and the acceptability of these changes as a means of escape in the event of a flood.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement and erecting a site notice. At the time of writing the report **50** representations have been received from surrounding residents and organisations in support of the application and **1** letter of objection. The representations in support can be summarised as follows:

- There is substantial local and regional support for an ice rink in Southampton for leisure skating as well as ice dance, figure skating, speed skating and ice hockey.
- The nearest full size ice rinks are some considerable distance away at Basingstoke, Gosport, Guildford and Bracknell. Southampton must be the largest city or town in the UK not to contain an ice rink of any kind.
- With imaginative marketing and management an ice skating facility in the city centre should be capable of supporting around 400,000 people per annum
- The proposal would add another major high quality attraction to the City's collection and will act to bring the city centre and St. Mary's closer together.
- It will give future generations the opportunity to partake in one of the most healthy and family oriented sports available and keep teenagers off the streets.
- The location in the centre of Southampton with accessibility by public transport should hopefully assist the success of the ice rink and improve safety in the area due to the level of use.
- The proposal will provide additional jobs and a boost to the local economy.

5.2 The letter of objection is on the following grounds: an ice rink is a good idea but this is not the place for it, the site is too small and within a residential area. The building is too tall and will lead to a loss of light, noise and disturbance through late night activities. There will also be more traffic and unauthorised parking.

5.3 **Sport England** has considered the application in the light of its own Land Use Planning Policy Statement 'Planning for Sport and Active Recreation: Objectives and Opportunities (2005).' The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met. The proposed new facility will replace the ice rink that closed some years ago and will mean that local residents will not need to travel long distances to reach similar facilities in other towns. It would appear that the proposed development would result in an improved level of sport and recreation provision in the area and Sport England would therefore wish to lend its support in principle to this planning application.

5.4 **Environment Agency** have no objection in principle to the proposal providing a condition is imposed requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.

5.5 **British Airports Authority** have no aerodrome safeguarding objection to the proposal provided conditions are imposed relating to landscaping and a bird hazard management plan.

5.6 **Southern Water** have no objections to the development providing appropriate conditions are imposed on drainage issues.

5.7 **SCC Environmental Health (Pollution & Safety)** – It would have been preferable if an acoustic assessment had been submitted with the application as there are residential properties in very close proximity. However, it is appreciated that full details of the building design are not known at this outline stage. Providing the plant room for the ice rink is fully enclosed this should minimise any potential noise nuisance.

5.8 **SCC Environmental Health (Contaminated Land)** – As part of the site was used as a garage in the past there is potential for land contamination issues. The site should be assessed for land contamination risks and where appropriate remediated to ensure the long term safety of the site. This can be secured through planning conditions.

5.9 **SCC Ecology** – No objection, support the inclusion of a green wall in the proposed design and would like to see some locally native plants included in the planting schedule.

5.10 **Tree Officer** – The trees on the site are protected by the Southampton (Deanery) TPO 1986 which makes them a material consideration in the planning process. The applicant's tree survey grades these two trees as Category A trees. The Tree Officer cannot support the loss of these two important trees of high amenity value, although the benefit of providing such a facility for the City is accepted. Mitigation must be provided in the form of new planting of a similar sized tree and this should be in the ground and not in containers as proposed.

5.11 **City Design Manager** - The uses that are proposed on the site will bring economic benefits to this area of the city as well as enlivening the streetscene and redeveloping an eyesore vacant site. However these uses also need a considerable landtake in order to be cater for their needs resulting in a footprint that presses on the site boundaries and requires the removal of two mature lime trees. This is highly unfortunate as these contribute to the leafy character of the attractive environment around St Mary's Church and frame views along Chapel Road. The applicant proposes to try to mitigate this with the introduction of four trees in planters which are not normally approved by the Council. Although this is not a detailed application the trees are an issue for discussion at this stage as the need to provide replacement trees is incurred by the footprint proposed. Replacement trees should ideally be planted in the ground, and evidence will be required if this is not possible due to underground services. Main entrances have been located in appropriate and legible locations.

The architect has shown that the current design makes a reasonable attempt to be sensitive in scale to the existing development adjoining the site and on the north side of St Mary's Street recognising the existing storey heights and detailing of these developments. The curved vaulted roof of the ice rink is more incongruous in scale and will need careful design in order not to dominate views looking east along St Mary's Street. Receding this back from the parapet does assist this. The detailing of the east facing elevation which fully exposes the profile of the curved roof will need to show a sensitivity to the small scale of the existing developments. At reserved matters stage careful attention will be needed to the handling of the scale of the entrance area and large feature windows which could become very visually dominant if not sensitively designed and detailed. A balance is needed that allows the building to visually express its main function whilst being sensitive to the smaller scale existing development.

5.12 **Hampshire Constabulary** – The building has been assessed through a Counter Terrorism Security Advice Report which makes a number of recommendations relating to the future design of the building in terms of its structural stability and mitigation measures to limit the risks from hostile vehicles.

6. Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The layout, scale of development and impact on established character;
- iii. Residential amenity;
- iv. Highways and parking;
- v. Flood risk issues
- vi. Whether or not the scheme mitigates sufficiently against its direct local impacts.

Principle of Development

6.2 The application site is an unallocated site within the Local Plan but is within the defined City Centre boundary. The site has been used for various commercial and community uses in the past and there is an extant planning permission for a mixed use development, incorporating a significant amount of residential, on part of the site. The surroundings are a mix of commercial and residential use. As it is part of the City Centre a mixed use, predominantly leisure development is acceptable in principle. There is a long history of ice skating in the City and strong public interest in securing a new purpose built facility to meet local demand without travelling to other ice rinks in the region.

6.3 The proposed retail floorspace would meet an essentially local need and the other food and drink activities are part and parcel of the mixed use leisure development which would provide significant employment and regeneration benefits for the St Mary's area.

6.4 In these circumstances the redevelopment of this vacant site for a predominantly leisure development is policy compliant and therefore acceptable in principle.

Layout and Scale of Development

6.5 The layout and scale of the building is for determination at this stage with the detailed design and appearance reserved for future approval. Members attention is drawn to the detailed comments of the Council's City Design Manager on this application. In terms of the layout, the former Chantry Hall building and the properties adjoining to the east are set back from the street which allows for a landscaped setting to this part of the Chapel Road. On the other hand, the St Mary Street frontage is characterised by buildings of 3-storeys or more on the back edge of the pavement: this development would re-enforce that character and subject to detailed design considerations the layout should be appropriate to its context.

6.6 The loss of the two substantial protected Lime Trees is most regrettable. These trees, together with the mature trees on adjoining sites and in St Mary's Churchyard, create an impressive group which collectively soften an otherwise 'hard' urban landscape. Although these trees can be replaced with street trees it will be many years before they become established to make a similar contribution to the streetscene.

6.7 In terms of the height of the proposed building, on the road frontage the maximum height would be approximately 16 metres which is the equivalent of a modern 5-storey residential building. At the rear of the site, the height would be approximately 11 metres. This compares with a maximum height of 22 metres for the 7-storey part of the residential building previously refused permission on the Chantry Hall part of the site. In urban design terms the scale of the building is considered to be satisfactory given the height and form of neighbouring buildings. Given the separation and the alignment of the road it is considered that the proposed building would not adversely affect the setting of the listed St Mary's Church and important views of the church would be retained.

Residential Amenity

6.8 This is a large commercial and leisure development on a relatively small site. The size of the building results in complete site coverage. Whilst this is an acceptable form of development for a city centre location it will undoubtedly result in a loss of amenity for those residents in Maryfield who directly adjoin the rear of the site. This loss of amenity is in the form of potential loss of daylight and outlook and noise resulting from the hours of use of the leisure facility and its car park.

6.9 In terms of light and outlook, the residential properties in Maryfield are small scale two and three-storey dwellings with quite small gardens and separated from the application site by a narrow road. Consequently, the height and massing of the proposed leisure building in such close proximity would result in a loss outlook and the creation of an increased sense of enclosure for those residents who currently overlook the site. In terms of daylight/sunlight, there would be no appreciable loss of sunlight to habitable rooms or adjoining gardens as the proposed building is on the north side of the adjoining occupiers. There would, however, be a loss of daylight to windows in the north east elevation of the flats at 39-51 Maryfield. The rooms affected are bedrooms and living rooms. The applicant has provided a detailed analysis of the daylight levels to these rooms using Average Daylight Factor calculations which take account of the size and layout of rooms and internal finishes. These calculations show that minimum levels of daylight would be maintained to most rooms, some of which already have more than one window. A ground floor living room window would not receive minimum daylight levels. In this case the applicant has discussed with the adjoining owner the possibility of installing an additional window to mitigate the impact which could form part of a planning condition.

6.10 In terms of potential noise issues there is limited information available at this outline stage but noise could result from use of mechanical plant or through use of the car park. The applicant has stated that the plant would be located on the ground and first floors at the eastern end of the building and would be enclosed behind masonry walls to minimise noise problems. Noise mitigation measures can be the subject of a planning condition to be resolved at reserved matters stage. It is likely that the peak times for use of the ice rink will be up to 2100 hours with use beyond this time or early in the morning by elite performers for specialist training. It will be important to limit the hours of use of the car park as it will be open on the south and east sides and use of the parking spaces during the night could result in disturbance to neighbours. A condition is recommended to preclude use of the car park between midnight and 0600 hours to minimise the impact on neighbours at the rear.

6.11 The adverse impact on the amenities of neighbours is clearly a material consideration. However, as with all such considerations they have to be weighed in the balance against the benefits of the scheme of providing a potentially high quality sport and leisure facility for the City.

Highways and Parking

6.12 Car parking is a key determinant in the choice of mode of travel. The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. The location of the development in the city centre allows the building to be accessed by a variety of means of transport in accordance with policy.

6.13 The proposed vehicular access is in an acceptable position with reasonable sight lines and some provision is made on-street for servicing and dropping off visitors to the centre. The application includes widening of the pavement and public realm improvements which will help with traffic calming and improve conditions for pedestrians.

6.14 The Council's Highways Officer is satisfied with the access and car parking arrangements.

Flood Risk

6.15 A sequential test was submitted with the application and this has demonstrated that there are no suitable city centre sites available in areas of less flood risk than this site. The applicant has submitted a Flood Risk Assessment which shows that a safe means of egress from the site at a level of 3.5 metres (AOD) can be provided by raising the road level locally as part of the on-site highway works. The Environment Agency are satisfied that the development is acceptable providing the mitigation measures outlined in the assessment are carried out.

S.106 Legal Agreement

6.16 A development of this scale triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards public realm and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants have confirmed their willingness to enter into the necessary obligations to mitigate the scheme's direct local impacts.

6.17 New developments within the city centre are expected to make a financial contribution towards improvements to the public realm centred around the QE2 mile (formerly north-south spine). In this case no such contribution is being sought on the basis that the development proposes public realm improvements in the immediate vicinity of the site with narrowing of the carriageway and widening of the pavement with associated tree planting. These improvements are considered to be of sufficient benefit to outweigh the need for a contribution to improvements elsewhere in the city.

7. Summary

7.1 The proposed mixed-use development would result in an improved level of sport and recreation provision and a potentially high quality facility which has received widespread public support. There are clear regeneration benefits for the St Mary's area. It is considered that these public benefits outweigh the disadvantages of the scheme outlined in this report, namely the loss of mature trees and the private impact on the amenities of neighbours.

8. Conclusion

8.1 This application has been assessed as being acceptable to the local context and is in accordance with policy. The application is recommended for conditional approval, subject to the completion of a S.106 Legal Agreement.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 2(c), 2(d), 2(e), 4(s), 6(a), 6(c), 6(d), 6(h), 6(g), 6(k), 7(a), 7(m), 7(v), 8(a), 9(a), 9(b) and PPS3 (2010)

RP for 20.07.10 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Outline Permission Timing Condition

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

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

Reason:

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

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

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

1. A desk top study including;
historical and current sources of land contamination

results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and
receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.

2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

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

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

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

Reason:

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

03. 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.

04. 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.

05. APPROVAL CONDITION - Wheel Cleaning Facilities

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

Reason

In the interests of highway safety.

06. APPROVAL CONDITION - No Pile Driving for Foundations [Performance Condition]

No percussion or impact driven piling activities shall take place for pre-works, foundations, or as any part of the development.

Reason:

In the interests of securing the stability of the site and adjacent land in order to protect the amenities of occupiers of nearby properties.

07. 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.

08. APPROVAL CONDITION - Construction method statement (Pre-commencement condition)

The development hereby approved shall not commence until a method statement and appropriate drawings of the means of construction of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall specify vehicular access arrangements, details of fencing to the site, the areas to be used for contractors vehicle parking and plant, storage of building materials and any excavated material, temporary buildings and all working areas required for the construction of the development hereby permitted. The building works shall proceed in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of neighbours and the wider environment.

09. 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. The site lies within Area of Archaeological Importance 5C, an area defined as having high archaeological potential. This area forms the historic core of Southampton, and the archaeology of the area outlines the development and redevelopment of the historic towns from the 8th century to the present day. Previous work on the site has uncovered significant archaeology dating back to at least the mid-Saxon period and the development has the potential to uncover archaeology that would significantly enhance our understanding of the development of this part of Southampton. The scope of archaeological works for the development will include the full excavation of the footprint of the proposed development, and will include all service trenches and landscaping. A brief for these works will be provided in due course.

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

10. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority. This will include all service trenches, utilities connections and any groundworks associated with both hard and soft landscaping proposals for the site.

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

11. 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. This will include full excavation of the site, all post-excavation analysis and assessment work, the production of a post-excavation report and full publication. This will also include a full assessment, synthesis and inclusion of all work previously carried on the site that has so far not been analysed and published. On completion of the assessment works, all material for the site for both current and previous phases of archaeological work, will be archived together and submitted to and accepted by Southampton City Museums Service.

Reason: To ensure that the archaeological investigation, including post-excavation assessment, publication and archiving work is completed to the necessary professional standard.

12. 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).

13. APPROVAL CONDITION - Renewable Energy - Micro-Renewables (Pre-Commencement Condition)

An assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, that will achieve a reduction in CO₂ emissions [of at least 12.5%] must be conducted. Plans for the incorporation of renewable energy technologies to the scale that is demonstrated to be feasible by the study, and that will reduce the CO₂ emissions of the development [by at least 12.5%] must be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby granted consent. Renewable technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010). Also to comply with policy NRM11 of the Regional Spatial Strategy for the South East of England adopted version (May 2009)

14. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

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

Reason:

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

15. APPROVAL CONDITION - Noise - plant and machinery [Pre-Commencement Condition]

The use hereby approved shall not commence until an acoustic report and written scheme to minimise noise from plant and machinery associated with the proposed development, including details of location, orientation and acoustic enclosure, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

REASON:

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

16. APPROVAL CONDITION - Flood Risk Assessment (Performance Condition)

The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment by PLD Architects ref 102/4.1.2 and the following mitigation measures detailed within that Flood Risk Assessment:

- i. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
- ii. Finished floor levels of the ground floor are set no lower than 3.5 metres above Ordnance Datum (AOD).

REASON

To ensure safe access and egress from and to the site.

17. APPROVAL CONDITION - Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of: a) sustainable urban drainage schemes (SUDS), such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes and b) management of any flat/shallow pitched/green roofs on the buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented as approved, on commencement of construction and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON

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

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

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

18. APPROVAL CONDITION - Parking facilities (Pre-Occupation condition)

The building hereby approved shall not be first occupied until the car parking (including spaces for disabled users), cycle parking, servicing facilities and cycle storage facilities as shown on the approved drawings, have been completed and made available for use, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the parking, refuse and associated facilities shall be retained solely for the use of occupiers of the building and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority

REASON

To ensure the provision of adequate on-site parking, refuse and servicing facilities and to avoid congestion in the surrounding area.

19. APPROVAL CONDITION - Crime Prevention Measures (pre-commencement condition)

No development shall take place until details of crime prevention design measures have been submitted to and approved in writing by the Local Planning Authority. These details shall include: external lighting including; door and glazing standards; building structural components; barrier proposals and gate control and measures to restrict vehicle ram raiding; cycle store and parking security proposals. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON

In the interests of safety and security and the requirements of Policy SDP1 of the City of Southampton Local Plan (March 2006).

20. APPROVAL CONDITION - Surface water and foul drainage (pre-commencement condition)

No development shall 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. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure satisfactory drainage provision for the area.

21. APPROVAL CONDITION – Water main and Sewer protection measures (Pre-commencement condition)

No development shall take place until details of measures to protect existing public sewers and the public water supply main on the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The construction works shall be carried out in accordance with the approved details.

Reason

As requested by Southern Water to safeguard the public sewers in the vicinity of the site.

22. APPROVAL CONDITION - Retention of Trees (Performance Condition)

Notwithstanding this grant of outline planning permission, no works for the removal of the two protected Lime Trees shall take place until all reserved matters have been approved, all pre-commencement conditions have been discharged and a contract for the building works has been entered into for the implementation of the works for which planning permission has been granted, details of which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the premature removal of these important protected trees and to ensure they are only removed once building works are programmed to commence.

23. APPROVAL CONDITION - Use of car park (Performance Condition)

The car park hereby approved shall not be open for use between the hours of midnight and 0600 hours on any day nor shall there be manoeuvring of vehicles within the car park during these hours.

Reason

To protect the amenities of neighbouring occupiers

24. APPROVAL CONDITION - Alterations to adjoining property (Pre-Commencement Condition)

Development shall not commence until alterations to the adjoining property at 39-51 Maryfield, as set out in the applicants supporting statement dated 15 June 2010, have been carried out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure satisfactory daylight is available to this adjoining property.

Notes to Applicant

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858688) or www.southernwater.co.uk

S.106 Legal Agreement Informative

A Section 106 agreement relates to this site which includes a requirement for contributions towards: highways (site specific and strategic) and play/open space. A full copy of the S106 legal agreement is available on the Public Register held at Southampton City Council.

Note to Applicant – Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. It is important that you note that if

development commences in without the condition having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms, invalidating the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Performance Conditions

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

Note to Applicant – Cranes Informative

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn to the requirement within British Standard Code of Practice for the safe use of cranes, and for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and other construction issues' available at www.caa.co.uk/srg/aerodrome

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS14	Historic Environment
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

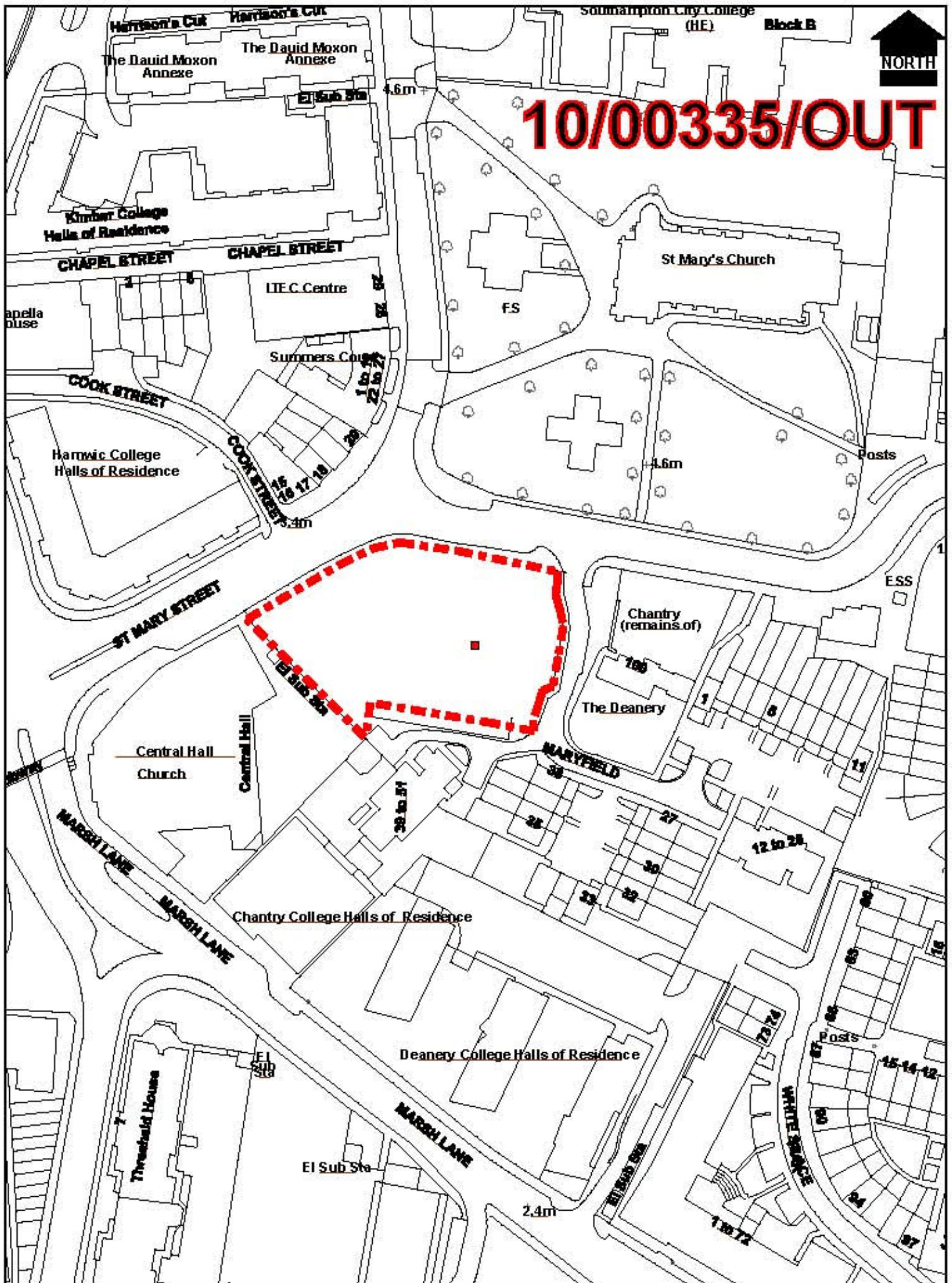
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP16	Noise
CLT1	Location of cultural/leisure developments
MSA1	City Centre Design
MSA12	St Mary's Area (site is not within the defined area but is opposite the area)

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	Delivering Sustainable Development (2004)
PPS4	Planning for Sustainable Economic Growth (2009)
PPG13	Transport (2001)
PPG24	Planning & Noise (2004)



Scale : 1:1250

Date : 07 July 2010

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