

**Planning and Rights of Way Panel 09th January 2018**  
**Planning Application Report of the Service Lead – Infrastructure, Planning and Development.**

<b>Application address:</b> 128-130 West End Road, Southampton			
<b>Proposed development:</b> Redevelopment of the site. Erection of 10 x 3-bed, 2-storey dwellings with accommodation in roof space, in a terrace block of 5, a terrace block of 3 and 2 x semi-detached, with associated car port, parking and cycle/refuse storage, following demolition of existing public house (amended description).			
<b>Application number</b>	17/00750/FUL	<b>Application type</b>	Major Dwellings
<b>Case officer</b>	Andrew Gregory	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	Over	<b>Ward</b>	Harefield
<b>Reason for Panel Referral:</b>	Five or more letters of objections have been received and a Panel referral request from Cllr Letts.	<b>Ward Councillors</b>	Cllr Daniel Fitzhenry Cllr Valerie Laurent Cllr Peter Baillie

<b>Applicant:</b> MHH Poole Ltd	<b>Agent:</b> Aspire Architects Ltd
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<b>Recommendation Summary</b>	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The pub was marketed for freehold sale for 6 months without any interest from existing pub operators and no bid was made by the community interest group during the asset of community value moratorium period. Furthermore there are alternative pubs and community buildings within the surrounding area to meet the day to day needs of the community. Other material considerations including housing need, impact on neighbouring amenity, tree impact and on street car parking pressure have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and

proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

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

<b>Appendix attached</b>			
1	Development Plan Policies	3	ACV Notice of Intended Disposal
2	ACV Decision Notice	4	Map to show location of nearby pubs

### **Recommendation in Full**

1. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:

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

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

iii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

iv. Employment and Skills Plan to secure training and employment initiatives.

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

3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

### **Background**

Savills were instructed to dispose of the Big Cheese Public House on behalf of Green King PLC in July 2016. Green King took the decision to dispose of the asset because of declining return and because a re-branding exercise (Hungry Horse) had failed to improve turnover and profitability. The premises was marketed between July 2016 and December 2016 for freehold sale and as having potential for retail conversion and residential redevelopment opportunity. During this period, three acceptable offers were received, all

from residential developers. The pub was closed in February 2017 and sold for £651,000 to a residential developer, £51,000 over the guide price.

### *Asset of Community Value*

The Localism Act was introduced in November 2011 and gave communities a chance to save assets that are important to them. The Department of Communities and Local Government indicate that 'assets of community value' can include pubs. The Community Right to Bid came into effect on 21 September 2012. Local Authorities are required to keep a list of all these 'assets of community value' (ACV). If an owner of a listed asset wants to sell it they have to notify the local authority. The local authority then has to notify any interested parties. If community groups are interested in buying an asset they can use the Community Right to Bid to 'pause' the sale, giving them 6 months to prepare a bid to buy it before the asset can be sold

The Council received an ACV nomination from a community interest group on 14 February 2017 (supported by a petition with circa 150 signatories) and decided to list the Big Cheese Public House as an ACV on 27 April 2017 for the following reasons:

*"From the evidence submitted in recent times ie prior to its closure earlier this year, the premises were of significant and wide-ranging benefit to the community and community groups over and above simply being a well-used pub."*

On 18 May 2017, the owner notified the Council of their intention to sell the property and the community interest group responsible for the listing were given until 29 June 2017 to make a request to be treated as a bidder and until 18 November 2017 to complete a bid. It should be noted that the provisions of the community right to bid do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. As such the owner is under no obligation to dispose of the property to the community interest group and after the 18 November 2017 is free to sell on the open market. The community group made a request to be treated as a bidder however no bid was made by 18 November 2017 and therefore the owner is now free to sell on the open market.

Although ACV listing and planning use fall are separate regimes they are very much intertwined in seeking to retain valued and viable community facilities. The grant of planning permission for residential redevelopment in advance of the close of the ACV moratorium period would give the site a higher residential land value and may have prejudiced the community interest group bid. Therefore, the Local Planning Authority suspended the consideration of this planning application until the close of the ACV moratorium period on 18 November 2017. The Principle of Development (including loss of pub) should be assessed against Local Development Framework Policy CS3.

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

- 1.1 The application site has an area of 0.2 hectares and comprises a vacant public house. A large car parking area is located to the side and garden area to the rear. Access is taken from West End Road, in close proximity to the West End Road / Mousehole Lane / Dean Road / Townhill Park roundabout. The pub building is now boarded up and temporary herring fencing has been installed to secure the site. Mature trees, protected by the Southampton (Bitterne Village) Tree Preservation Order 1974, enclose the side and rear boundaries to Dean Road and Tenby Close.

- 1.2 The area surrounding the site is predominantly residential, comprising a mix of two storey housing and 3-4 storey flatted blocks. A convenience retail unit occupies the adjoining site to the north-east. The nearest alternative pubs are the Fox and Hound, Humble Plum and the Red Lion, all less than 1 mile from The Big Cheese Public House. Alternative community meeting places within the vicinity include Gordon Hall, Moorlands Community Centre and Harefield Community Centre, all within 1 mile of the Big Cheese Public House. Bitterne District Centre is 0.6miles from the site.

## **2 Proposal**

- 2.1 The proposal seeks permission for redevelopment of the site with 10 x 3-bed houses following demolition of the existing public house. The layout retains the existing trees along the boundaries with Dean Road and Tenby Close with the residential plots framing a parking court. A terrace of 3 houses has been orientated to face towards the parking court. A semi-detached pair and terrace of 5 houses have been orientated to face West End Road.
- 2.2 The proposed houses are two-storey in scale with additional accommodation in the roof. The houses are traditional in design with pitched roof form incorporating front and rear dormers. The dwellings have a materials palette of render and face brickwork. The proposed front boundary would comprise dwarf wall and railings.
- 2.3 The parking court provides 14 resident car parking spaces and 2 visitor car parking spaces (16 in total to serve 10 dwellings) with access taken from West End Road. An open sided car port with pitched is proposed to provide coverage to the spaces along the south-eastern boundary. Bin and cycle storage is provided to the rear of each plot.

## **3 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 A key thread to the NPPF is the promotion of healthy communities (section 8 refers). Paragraph 69 indicates that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 70 goes on to indicate the need to plan positively for the provision for community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

3.4 Policy CS3 of the Core Strategy (January 2010) is the Council's most up to date planning policy relating to community facilities and indicates that:

*“proposals that result in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there are no similar or replacement facility in the same neighbourhood. Community facilities include: community buildings; drop-in centres / day centres; Meeting Rooms / Day Centres; Places of Worship; Sports Club and recreation; Youth Clubs / Scout huts / Guide huts / Clubs for Senior Citizens.”*

3.5 Public houses and cafes are not included within the list of community facilities as set out within policy CS3. However it should be noted that the Council did seek to have public houses included within the defined list of community facilities within the draft Local Development Framework. During the examination into the Core Strategy the Inspector decided not to include pubs and cafes for the following reasons:

*“Whilst desirable in principle, experience elsewhere suggests that such a policy can be difficult and complex to operate reasonably and realistically in practice, especially in relation to commercially run facilities and privately owned businesses, such as public houses and cafes, as distinct from public sector organisations.....*

*Moreover, in a densely built up area such as Southampton, unlike a small rural settlement, equivalent or similar businesses are usually available nearby and within a reasonable walking distance. In such circumstances it is not necessary or realistic for the Council to seek to control the operations of the free market in this way in relation to public houses and cafes, which can be distinguished from the other types of community facilities listed by virtue of their normally operating in the fully commercial sector.”*

3.6 The National Planning Policy Framework post-dates this analysis and specifically references pubs as community use and as such becomes directly relevant.

#### **4. Relevant Planning History**

4.1 There is no relevant planning history.

#### **5 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (26.05.2017) and erecting a site notice (26/05/2017). At the time of writing the report **44 representations** have been received from surrounding residents. The following is a summary of the points raised:

#### **5.2 Loss of the public house as a community meeting place**

*Officer Response – The pub has been closed since February 2017. The site was marketed as a freehold pub for sales for 6 months and during that period no acceptable offers were received from pub operators. Furthermore no bid was*

*made by the community group during the ACV moratorium period. There are alternative public house and community buildings with the area to meet the day to day needs of the community. The Council does not have a public house protection policy (see planning policy section).*

**5.3 Increased traffic congestion**

*Officer Response – No objection has been raised by SCC Highways development Management. The proposed residential use is likely to result in a net reduction in vehicular trips in comparison to the historic pub use.*

**5.4 Overdevelopment**

*Officer Response – The proposed scheme comprises 10 x 3-bed houses and has a density of 50 dwellings per hectare which is considered in keeping with the character of the area and compliant with policy CS5. The introduction of private residential gardens for each plot will result in a net reduction of hard surfacing across the site.*

**5.5**

**The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.**

*Officer Response - The provision of two-storey housing with rooms in the roof is not considered out of keeping with the character of the area which comprises detached, semi-detached and terraced two-storey housing and larger flatted block which are 3 to 4-storey. Furthermore the proposed housing will not have an overbearing impact on existing properties within Dean Road and West End Road having regard to the building separation, layout and retained tree screen along the side and rear boundaries.*

**5.6**

**Request that the existing trees are safeguarded in the interests of the visual amenities of the area and privacy of neighbouring occupiers.**

*Officer Response - None of the existing trees are proposed to be removed. Additional tree planting can be secured as part of the approval of landscaping details.*

**5.7**

**Insufficient on-site car parking provision will lead to increased on-street parking pressures within surrounding streets.**

*Officer Response – The provision of 14 resident car parking plus 2 visitor spaces accords with the Council's maximum car parking standards and no objection has been raised by Highways Development Management. The maximum number of spaces permissible is 20 resident parking spaces (2 spaces per 3-bed dwelling).*

**Consultation Responses**

**5.8 SCC Highways – No objection subject to conditions.**

In terms of impact on the highway, the existing use as a public house would have a greater impact due to the higher level of trips and servicing requirements. Therefore in principle, the proposed development is considered acceptable in highway terms.

Private refuse collection is required to service this site because a standard refuse truck cannot enter and leave the site in a forward gear and collection from West End Road is not supported this close to the roundabout. The private refuse

collection arrangement will be secured and retained by condition. A condition is also recommended to secure adequate driver sightlines.

5.9 **SCC Trees** – No objection subject to agreement of tree works to accommodate the car port.

5.10 **SCC Ecology** – No objection

The application site consists of a building, hard-standing, amenity grassland and a number of trees.

The ecological value of the site is limited to the trees, which have potential to support nesting birds, the other habitats have negligible intrinsic biodiversity value. In addition, the building is in good condition with no obvious access points for bats. The proposed development will lead to an increase in amenity grassland which will be an improvement on the current situation. I would like the landscaping scheme to include native species, or ornamental species with recognised value for wildlife.

5.11 **SCC Land Contamination** - No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.12 **SCC Archaeology** – No objection. The proposed development involves demolition of the existing public house and the construction of 10 new houses, with associated parking etc. The site has some archaeological potential, and development here threatens to damage archaeological deposits. To mitigate this, and archaeological watching brief on all groundworks will be required.

The current public house is much altered, with replacement UPVC windows, although it is still of some local interest and its demolition is to be regretted. To mitigate its loss, an archaeological building record (to Historic England Level II) will need to be made of the building before demolition.

5.13 **SCC Sustainability Team - No objection**

Subject to the imposition of conditions securing energy and water restriction.

5.14 **SCC Drainage** – No objection subject to condition to secure sustainable drainage.

5.15 **Southern Water** – No objection

Request a condition to secure details of means of surface and foul water disposal.

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

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

- the principle of the development;
- the impact of the design of the building on the character of the area;
- the quality of the residential environment
- the impact on the amenities of neighbouring and surrounding residents;
- highways safety, car parking, access and mitigation.
- Habitat Regulations.

## Principle of Development

- 6.2 The Big Cheese Public House has been closed since February 2017. Green King took the decision to dispose of the asset because of declining return and because a re-branding exercise (Hungry Horse) had failed to improve turnover and profitability. A marketing exercise for freehold sale was carried out by Savills between July 2016 and December 2016 however no acceptable offers were received from pub operators or other groups or individuals seeking retained public house use. All offers were from residential developers.
- 6.3 DCLG (non-statutory) guidance in the 'Community Right to Bid: Non-statutory advice note for local authorities (October 2012) indicates that:  
*"...the fact that the site is (a) listed (Aocv) may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."*  
(Para 2.20 refers)
- 6.4 In this case, it is considered the Asset of Community Value can now only be given limited weight because the community group did not make a bid for the premises during the 6 month moratorium period. The ACV listing process is designed to give community groups the opportunity to purchase and operate valued community buildings. The ACV process does not protect community buildings from redevelopment if no community bid is made. The current owner is now free to sell the site on the open market for a protected period of 12 months following the close of the moratorium period on 18 November 2017. A copy of the Council's Decision to list the Big Cheese as an Asset of Community Value is attached as **Appendix 2** and a copy of the Notice of Intended Disposal is attached as **Appendix 3**.
- 6.5 Public houses are not protected within the development plan and they not defined as community facilities under the requirements of policy CS3 of the Core Strategy. Paragraph 70 of the National Planning Policy Framework, which post-dates policy CS3, does indicate that public houses can be considered as community facilities and that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Whilst the loss of the Big Cheese Public House will clearly reduce the number and availability of public houses within this area, it is not considered to reduce the community's ability to meet its day to day needs having regard to the availability of alternative pubs and community facilities within the vicinity of the site, namely:

### **Alternative A4 pub uses**

- The Fox and Hounds Public House (0.3 miles / 5 minute walk from the site)
- Humble Plumb (0.4 miles / 7 minute walk from the site)
- The Red Lion (0.6 miles / 13 minute walk from the site)

### **Alternative community facilities**

- The Gordon Hall (0.1 miles / 2 minute walk from the site)
- Moorlands Community Centre (0.4 miles / 7 minute walk from the site)

- Harefield Community Centre (0.6 miles / 11 minute walk from the site)

- 6.6 A plan showing the location of alternative public houses within this area is attached as **Appendix 4**.
- 6.7 The site is not allocated for housing and the scheme would represent windfall housing delivery on previously developed land, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates 10 x 3 bedroom family homes and thus will help to increase the number of family houses within the local community as required by policy CS16. The provision of family housing is welcomed and policy CS16 requires a minimum of 30% family homes on sites of 10 or more dwellings. Affordable Housing is not required on developments of 10 dwellings or less, as confirmed by a ministerial statement on 28 November 2014.
- 6.8 Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Furthermore Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of lower accessibility where net density levels of 35-50 dwellings per hectare will be sought, providing the character and appearance of the area is not compromised. The development achieves 50 dwellings per hectare which accords with policy CS5.
- 6.9 Therefore the principle of residential redevelopment is supported.

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

- 6.10 The surrounding area is not homogenous in design terms and includes a variety of house types, and building scale. The provision of two-storey housing (albeit with rooms in the roof) with pitched roof form and traditional appearance is considered in keeping with the character and appearance of the area. The proposed materials palette of face brick and render is considered acceptable and will not be harmful to the visual amenities of the area.
- 6.11 The site layout has been informed by the need to retain the existing protected tree group along the side and rear boundaries. This has meant that units 8-10 have been orientated to face towards the parking court with the trees to Dean Road forming the rear garden boundaries. Therefore the proposal will have no adverse impact on the Dean road street scene.
- 6.12 The proposed housing fronting West End Road has circa 4m depth front gardens which can accommodate tree planting and landscaping behind a dwarf wall and railings. Rear gardens are provided with gated rear access into the rear parking court. The means of enclosure of rear garden boundaries will require careful consideration to ensure appropriate visual impact when viewed from the rear parking court and approach to units 8-10. Brick rear boundary walls will be sought to enclose the parking court and appropriate hard and soft landscaping will be required to ensure the parking court is appropriately treated.

The quality of the residential environment produced for prospective residents.

- 6.13 The proposed living environment is considered acceptable with all habitable rooms receiving genuine outlook and day lighting. The orientation and separation of plots will ensure that no harmful overlooking will occur. It is recommended that the first-floor bathroom window in the side elevation of unit 8 be obscured with top light opening to prevent overlooking of adjacent gardens. A 12m separation distance is provided between the rear windows of unit 6 and the side gable of unit 8 which is broadly compliant with Residential Design Guide standards.
- 6.14 The majority of the plots are provided with 10m length rear gardens in accordance with Residential Design Guidance. Plots 1-3 are provided with slightly smaller rear gardens in order to accommodate sufficient on-plot car parking. The rear gardens of plots 1-3 have a rear garden area of circa 30sqm, which is below the minimum garden area size of 50sqm for terraced housing as set out within policy CS16 and Residential Design Guidance. Whilst the rear garden sizes of units 1-3 are limited in size, these garden spaces are nevertheless usable and fit for purpose and a balance is needed to ensure delivery of lower density family housing whilst ensuring an appropriate level of car parking is provided. The proposal satisfies the requirements of policy CS16 which requires a minimum of 30% of total dwellings to be provided as family homes (defined as 3 bedrooms or more with private amenity space which is fit for purpose and minimum garden areas of 50sqm for terraced homes and 70sqm for semi-detached properties).

The impact on the amenities of neighbouring and surrounding residents:

- 6.15 The proposed development will have no adverse impact on the residential amenities of neighbouring occupiers. The proposed layout, building orientation, separation distances and retention of existing trees will ensure that no harmful shadowing, loss of light, sense of enclosure or loss of light will occur.

Highways safety, car parking, access and mitigation.

- 6.16 The provision of 14 resident car parking spaces plus 2 visitor spaces accords with the Council's maximum car parking standards and no objection has been raised by Highways Development Management. The maximum number of spaces permissible is 20 resident parking spaces (2 spaces per 3-bed dwelling). The level of parking proposed and nature of the use, would result in a net reduction in vehicular trips when compared with the historic pub use and therefore the proposal will not lead to increased congestion. The site is located in close proximity to shops and amenities within Bitterne District Centre and frequent bus services run from nearby bus stops on West End Road.
- 6.17 Bin and bike storage facilities are provided within the rear of each plot. The development will be served by private refuse collection because a standard refuse truck cannot enter and turn on site and collection from West End Road would obstruct the flow of traffic in close proximity to the roundabout. A planning

condition is recommended to secure the private collection arrangement.

- 6.18 A legal agreement will be used to secure off site works and measures needed to mitigate the impact of the development, in particular site specific transport contributions for highway improvements, to include:
- Conversion of the existing Pelican crossing, adjacent to the site on West End Road, to a Toucan crossing, to facilitate pedestrian and cycle use;
  - Dedication of land to the highway frontage of the site along West End Road into Dean Road to a point just beyond the tactile paving at the narrowing of Dean Road to provide a minimum width of 3.5m for a shared cycleway/footpath route; and
  - To provide a cycle dropped crossing adjacent to the pedestrian facility in Dean Road, to enhance the link between the cycle only plug at the end of Dean Road towards the crossing facility on West End Road.
- 6.19 Additionally a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and financial contribution towards SDMP to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

#### Habitat Regulations

- 6.20 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £181 per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This will be secured through a S111 form or S106 agreement.

- 7.1 The pub freehold was marketed for 6 months without any interest from existing pub operators and no bid was made by the community interest group during the asset of community value moratorium period. Furthermore there are alternative pubs and community buildings within the surrounding area to meet the day to day needs of the community. As such the principle of redevelopment for housing is supported by the development plan. The proposed replacement scheme is acceptable. Other material considerations including, are not considered to outweigh the merits of family housing delivery on this site.

## **8 Conclusion**

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

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

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

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

**AG for 09/01/2018 PROW Panel**

## PLANNING CONDITIONS

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

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

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

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

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

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

### 03. Residential - Permitted Development Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class D (porch),

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

Class F (hard surface area)

Class G (chimneys, flues etc)

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

### 04. Obscure Glazing (Performance Condition)

The first floor bathroom window in the side elevation of Unit 8 of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The window shall be thereafter retained in this manner.

Reason: To protect the amenity and privacy of the adjoining property.

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

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

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

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

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

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

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

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

Monday to Friday 08:00 to 18:00 hours  
Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

07. Construction Management Plan (Pre-Commencement)

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

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated. The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

08. Glazing- Soundproofing from external noise (Performance Condition)

Unless otherwise agreed in writing by the Local Planning Authority, the glazing for the residential accommodation shall be either:

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

Any trickle vents must be acoustically rated. The above specified glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

Reason: In order to protect occupiers of the flats from traffic noise.

09. Demolition Statement (Pre-Commencement)

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residential properties.

10. Demolition - Dust Suppression (Pre-Commencement)

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason: To protect the amenities of users of the surrounding area.

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

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

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

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved 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.

#### 12. Use of uncontaminated soils and fill (Performance)

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

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

#### 13. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

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

14. Energy & Water (Pre-Commencement)

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

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

15. Energy & Water (performance condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

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

16. APPROVAL CONDITION - Sustainable Drainage (Pre-Commencement Condition).

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

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

Reason

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

17. APPROVAL CONDITION Archaeological watching brief 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.
18. APPROVAL CONDITION Archaeological watching brief 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.
19. APPROVAL CONDITION Archaeological structure-recording [Pre-Commencement Condition]  
No development shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.  
Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.
20. 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.
21. Surface / foul water drainage (Pre-commencement)  
  
No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.  
  
Reason: To ensure satisfactory drainage provision for the area.
22. Sightlines specification (Pre-Commencement)  
  
Sight lines of 2m by 2m measured at the back of footway shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.  
  
Reason: To provide safe access to the development and to prevent congestion on the highway.
23. Parking (Pre-Occupation)  
  
The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. The car parking shall be allocated to each residential unit on at least a 1:1 basis. The 2 no. visitor spaces shall be made available at all times as visitor parking only.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

24. Cycle parking (Performance Condition)

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

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

25. Refuse & Recycling (Performance)

Before the development hereby approved first comes into occupation, the storage for refuse and recycling shall be provided in accordance with the plans hereby approved and thereafter retained as approved. Unless otherwise agreed in writing by the Local Planning Authority, the houses hereby approved shall be served by private collection with a minimum of fortnightly collections. The bins shall be stored in the location as shown on the plans hereby approved and collected from within the site. At no time shall bins shall be stored on the public highway.

Reason: In the interest of visual and residential amenity and highway safety.

26. Arboricultural Impact Assessment (Pre-commencement Condition)

Prior to commencement of the car port details of any crown lift works shall be submitted and agreed in writing by the Local Planning Authority. In all other respects the development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment and Protection Scheme by Hearne Arboricultural Ref JH/AIA/TPP/17/011/Rev1.

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

27. Approved Plans

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

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

**17/00750/FUL**

**APPENDIX 1**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access

SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE9	Protection / Improvement of Character
H2	Previously Developed Land
H7	The Residential Environment

#### Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

#### Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)