

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

Application address	20 - 26 College Street And 29 - 35 Richmond Street		
Proposed development:	Minor material amendment sought to consent 06/00246/FUL - (Redevelopment of the site to provide 90 flats (45 x one-bedroom and 45 x two-bedroom flats), 1220 square metres of commercial floorspace within buildings ranging in height from 6 to 8 storeys and 43 car parking spaces with vehicular access from Richmond Street and College Street) - to alter development mix on 1st floor, putting 7No. flats (2x1-bed and 5x2-bed) in place of 488 square metres of class B1 office floor space.		
Application number	10/00581/MMA	Application type	Full Detailed
Case officer	Steve Lawrence	Application category	Q13 - Minor Dwellings

Recommendation Summary	Delegate to the Head of Planning & Sustainability to grant planning permission subject to criteria listed in report.
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Reason for Panel consideration	Departure also requiring completion of legal agreement under Section 106 of the 1990 Act
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Applicant: Crest Nicholson (South East) Ltd	Agent: Mr Julian Goodban GL Hearn
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Date of receipt	29/04/2010	City Ward	Bargate
Date of registration	29/04/2010	Ward members	Cllr P Damani
Publicity expiry date	8.07.2010		Cllr A V Willacy
Date to determine by	24/06/2010 OUT OF TIME		Cllr S Bogle

Site area	488 sq.m B1 approved (overall site 0.23 ha)	Usable private balcony area	shown: 0m ² , albeit access to two separate (total 813m ²) communal internal amenity decks 8.4m ² per unit overall (compared to 9m ² as approved, albeit 70 approved units also enjoy balconies).
Site coverage (developed area)	100%		
Density - whole site	421 d.p.h (overall, 391 as approved)		

Residential mix	nos	size sqm	Other land uses	class	size sqm
Studio / 1-bedroom	2	47 sq.m	Commercial use	-	-
2-bedroom	5	57 – 75sq.m	Retail use	-	-
Policy designation	- Class B1 allocation under LPR Policy RE1 11 (vi)				

Accessibility zone	Band 6	Policy parking max	43 spaces (as approved)
Parking Permit Zone	no	existing site parking	0 spaces
Cyclist facilities	yes	car parking provision	As approved
motor & bicycles	7 cycles	disabled parking	As approved

Key submitted documents supporting application			
1	Agent's letter	2	Viability Statement
Appendix attached			
1	Relevant Planning Policy		

Recommendation in full

Delegate the authority to the Head of Planning & Sustainability to grant planning permission, subject to the applicant entering into a Section 106 planning agreement secure:-

- (i) A financial contribution towards the provision of public open space in accordance with policy CLT5 & IMP1 of the adopted City of Southampton Local Plan and applicable SPG;
- (ii) A financial contribution towards the provision of a new children's play area and equipment in accordance with policy CLT6 & IMP1 the adopted City of Southampton Local Plan and applicable SPG;
- (iii) Provision of affordable housing in accordance with appropriate SPG;
- (iv) A financial contribution towards site specific transport contributions for highway improvement in the vicinity of the site in accordance with appropriate SPG to encourage sustainability in travel through the use of alternative modes of transport to the private car;
- (v) Adherence to the previously submitted Travel Plan;
- (vi) Details outlining a waste management scheme for the flats;
- (vii) Dedication of land to public use to enable widening of footways and an undertaking to enter into Section 278 Agreement;
- (viii) A financial contribution towards strategic transport contributions for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG;
- (ix) A financial contribution towards public realm improvements in accordance with policy;
- (x) A financial contribution to the provision of Public Art in accordance with policy;
- (xi) Obligations relating to resource conservation measures to comply with policy SDP13 of the Local Plan;
- (xii) An undertaking to ensure that the commercial units are completed (shell and core finish) before first habitation of the flats;
- (xiii) A highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

or

That in the event that the legal agreement is not been completed by 9 July 2010 that the Head of Planning & Sustainability be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Agreement.

BACKGROUND

On 24 April 2006, under reference 06/00246/FUL, the Planning and Rights of Way Panel delegated authority to the Development Control Manager to grant planning permission, subject to signing a S.106 legal agreement to secure various matters, for:-

Demolition of the existing buildings. Redevelopment of the site to provide 90 flats (45 x one-bedroom and 45 x two-bedroom flats), 1220 square metres of commercial floorspace within buildings ranging in height from 6 to 8 storeys and 43 car parking spaces with vehicular access from Richmond Street and College Street.

The S.106 was signed and a decision notice was issued. Upon the submission of further details, planning conditions were largely discharged/approved (subject to implementation) by the local planning authority in a letter dated 8 August 2008.

Existing buildings on site were then demolished and access and some drainage works associated with the approved development were commenced. A deed of variation to the S.106 was signed on 6 July 2009. This effectively altered the trigger for payment of the agreed contributions from commencement to first occupation.

Notwithstanding that, the owners/applicant has found difficulty in the current recession to implement this mixed use scheme. Two meetings have taken place with officers to explore whether the mix and precise configuration of the scheme might be altered to allow implementation.

The Government has recently introduced a new type of planning application, whereby a Minor Material Amendment might be sought to a consent already granted. The Regulations and guidance make it clear that this can also relate to the terms of any previously imposed planning condition.

It is also clear that if a Local Planning Authority is minded to support such an application, the decision it issues amounts to issuing a fresh planning permission in law.

One key aspect here relates to the mix of the development. The applicant has carried out an assessment regarding the viability of providing B1 office floor space at this site. It concludes that the scheme would be unviable if the current mix was implemented and office space on the first floor would not be likely to be occupied.

7 further dwellings in place of 488m² of office space are therefore proposed instead of the approved mix for the first floor.

Site and surrounding context

The 0.23 hectare cleared, but overgrown application site, now surrounded by hoarding, was once occupied by three commercial buildings.

The area is characterised by a mix of residential and commercial buildings. The site is framed by a cluster of tall buildings. Mercury Point located to the north of the site is 17 storeys high and Richmond House, which is two buildings along, is 7 storeys high rising to 13 storeys. Oxford House, the abutting property, is two storeys high.

The site is on a prominent corner and is visible from the Oxford Street Conservation Area, whose boundary finishes on the south side of Bernard Street.

There is a large Council owned surface level car park between the application site and Bernard Street. That itself has been the subject of a feasibility exercise by the Council who commissioned Savills to prepare a development Brief. That Brief has yet to be formally adopted, but does include the option of a wider scheme encompassing the application site, Oxford House and Richmond House, should owners of those sites wish to collaborate with the council.

The site itself lies within an area designated for light industry and research and development uses under Policy REI 11(vi) within the Local Plan Review.

Proposal

06/00246/FUL was a full application. Approval was given for the construction of a building ranging between 6 and 8 storeys in height. The proposed height along Threefield Lane would be 6 storeys high rising to 8 on the corner with College Street. The height along both College Street and Richmond Street is approved as 6 storeys rising to 8.

90 flats have been approved: 45 each of one-bed and two-bed.

Two storeys of commercial floorspace (1220m²) have been approved.

The approved development is to be served by 43 car parking spaces accessed via College Street and this area would also be used to house residents' and office occupiers' bicycles and refuse storage.

The commercial floor elevations will be formed of brick piers and narrow windows. The residential element of the scheme will comprise mainly of white render and brick work with timber cladding on the top floor and as corner features with a grey wall panelling system framing these elements.

70 of the flats have their own balcony. All have access to two common amenity spaces. The first internally is at third floor level (635m²). The second, is a rooftop terrace at the sixth floor level (178m²).

The applicant now proposes that all previously approved B1 space on the first floor (essentially the western and southern wings as consented), be instead laid out as 7 additional flats. None of these flats would enjoy a balcony, but would have access to the two common amenity spaces referred to above.

Overall, the B1 space would drop from 1220m² to 732m², purely located on the ground floor. The applicant has confirmed that the B1 space would enjoy use of 4 of the 43 approved car parking spaces.

The applicant has commissioned appropriate professional advice as to a review of market conditions in the city and the availability quantitatively and qualitatively of existing or consented office floor space. For example, the nearby Richmond House is currently 86% vacant, The 'Carnival' company having recently relocated to its new office building in West Quay Road. It is concluded that the prospect of a reliable rental income from providing office accommodation on the first floor is not likely and would adversely affect the viability of the entire project.

The applicant is willing to vary the terms of the previous planning agreement to provide an additional unit of affordable housing (i.e. the development would now contribute 24 in total).

Plot 1.06 on the first floor of the approved building as sought to be varied, is identified as the net additional unit of affordable housing. Because of the alteration in the mix of the development, contributions would also need to be adjusted.

Relevant Planning Policy

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

Given the site's allocation under REI 11 (vi), the primary consideration is to secure employment generation to assist with the city's economic health. A mixed use scheme has already been accepted on this site as a departure from that zoning and is compliant with Local Plan Review Policy SDP1 (iii).

The Government's considerations of achieving affordable housing and the sustainable use of previously developed land are also relevant.

Sustainability Implications

The previous consent sought to secure a package of resource conservation measures through the S.106 agreement. It is recommended that a similar approach is reiterated here.

Relevant planning history

Under **05/00517/FUL** permission for:-

Demolition of existing buildings and redevelopment of this site to provide 110 flats (17 x 1 bed and 93 x 2 bed flats), 743 square metres of commercial floorspace within buildings ranging in height from 6 -11 storeys and 85 car parking spaces with vehicular access from Richmond Street and College Street.

- was refused 20/06/2005 for a number of reasons, the most relevant here being:-

- Inappropriate commercial floor space in terms of Class B1(b) and B1(c) usage as there was not enough employment generating floor space;
- The proposal would be an overdevelopment of the site in that it would provide a poor quality living environment for the future occupiers of the residential accommodation in terms of privacy and outlook and the inadequate amount and quality of private and communal amenity space to be made available to the occupiers of the residential accommodation; and

- The proposal does not include sufficient detailed information to determine whether or not flood risk matters have been satisfactorily addressed.

Application **06/00246/FUL** was then submitted and successfully addressed the stated reasons for refusal. In particular, 1220m² of B1 space was proposed in place of the 743 m² previously proposed. Conditional permission was granted 23/06/2006.

It should be noted that PPG25 was in place at the time of determining 06/00246/FUL. PPS 25 has now replaced PPG25.

Under application **10/00208/NMA** - Non-material amendments were sought to permission 06/00246/FUL comprising changes to the internal arrangement and external appearance of the approved building and an update of Condition 3 relating to the approved planning drawings. Quantum of Development remains the same – no objection 23.03.2010.

Under application **10/00516/NMA** - Non-material amendments were sought to consent 06/00246/FUL including insertion of door at ground floor to north elevation, adjustments to layout and number of commercial units including removal of some stairwells, insertion of lobbies and new storeroom, adjustments to (internal courtyard) south elevation fenestration – no objection 15.6.2010.

Members may wish to be aware that outline planning permission has just been refused under delegated powers at the abutting Oxford House site for:-

Redevelopment of the site. Erection of a part 9-storey and part 12-storey building to provide 63 flats (30 x one bedroom and 33 x two bedroom flats) and 1,138 square metres of office floor space (Class B1) with associated access and parking (Outline application with access, layout and scale for consideration at this stage).

- on 10/05/2010. In summary, the local planning authority's reasoning includes:-

- Impact on the character of the area from a further tall building;
- Harm to residential amenity of those who come to occupy the consented development to the west (06/00246/FUL), restricted outlook from habitable room windows, inadequate useable amenity space, poor access via an undercroft car park and an adverse impact on the development potential of adjoining sites.
- Flood risk
- Mix of accommodation, in particular failing to incorporate any units being capable of occupied as family housing.
- Loss of community-based health care facility
- Failure to secure Section 106 matters.

Consultation Responses and Notification Representations

Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included consulting Planning Policy, Housing Services, Pollution and Safety Team and the Environment Agency.

A press advertisement has belatedly been arranged, even though the proposals still represent a departure from the Development Plan and this aspect of the development has

previously been advertised under application 06/00246/FUL. Any favourable decision would not, however, need to be referred to GoSE.

Summary of Consultation comments

Environment Agency

Under application 06/00246/FUL the EA had commented that as there will be no sleeping accommodation on the ground floor level of the proposed development and as the finished level is above the risk zone (3.45 AOD) as set out in (then) Flood Risk Assessment. No increased risk to people and property was concluded at that time.

Any views received from the EA will be reported at the meeting.

Housing Services

No objection raised, subject to the additional unit of affordable housing being secured through a planning legal agreement.

Planning Consideration Key Issues

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

- i. The principle of altering the approved mix of development, given the site's allocation purely for B1 purposes;
- ii. Flood risk;
- iii. Design, density & impact on established character;
- iv. Residential amenity;
- v. Highways and parking.

The principle of development

The Core Strategy includes a target for 322,000 sq m of new office space, to help promote economic growth in the city centre. Whilst there are a range of potential sites to meet this target, many are longer term options which require further investigation.

It is considered that the reduced office space is realistic and appropriate given the current circumstances of this particular case. This is due to the combination of a number of factors:

- The difference in absolute terms is relatively small
- The secondary nature of the area in office terms
- The scheme still provides new office floorspace, and provides a higher density solution relative to the previous use of the site, so the number of jobs generated are still likely to be broadly equivalent to using the whole site for light industry or warehousing, and in addition the scheme will provide residential units.
- The unsuccessful marketing of the scheme (e.g. no interest expressed)
- Current circumstances (e.g. the recent recession and the significant increase in vacant offices).

Redevelopment for solely light industrial use is unlikely to be viable, therefore a mixed use including offices on the ground floor street frontage is considered acceptable for this city centre site.

Although the proposal is still a departure from the adopted plan and in fact results in less B1 space (732 m²) compared to that refused under 05/00517/FUL (743m²), the proposed alternative scheme is acceptable given current market conditions and the applicant's assessment of overall viability.

The proposed remaining B1 floorspace will attract companies due to the site's accessible location and would still intensify the employment potential of the site in line with the adopted policy, over and above that previously provided by the warehouses that once occupied the site.

There is a justifiable case that a departure from adopted policy would be beneficial and acceptable. This justification is supported by the Council's policy team.

Due to the type of development proposed in terms of its location above commercial units and its city centre position the development is not suitable for family size accommodation and the threshold for Policy CS16 I in any case 10 new dwellings.

Flood risk

The application site currently sits astride Flood Zones 2 and 3a as notified by the Environment Agency, albeit by the year 2115 all but the last 200m west part of the site could be within flood zone 3a. The topographic survey undertaken for 06/00246/FUL records surrounding ground levels at between 2.9-3.9m AOD, rising to the west.

The previous flood risk assessment for 06/00246/FUL modelled that a 1:200 year flood event would impact the site to 2.7m AOD. Parts of the ground floor could be impacted to a shallow depth, but that escape routes to the north and west would not be impacted up to the year 2060.

A further 7 flats are proposed, over and above the consented scheme. None would be a ground floor, but would non-the-less contain sleeping accommodation in a flood risk zone.

A new flood risk assessment has been submitted with the current application. The scheme has been remodelled using year 2115 flood levels, assuming a 100 year lifespan for the new building. Using the Strategic Flood Risk Assessment (SFRA) prepared by Partnership for Urban South Hampshire (June 2008), a 1:200 flood level of 4.2m AOD is predicted. The approved first floor accommodation is 6.85m AOD.

The amended scheme now also proposes to incorporate flood resistant/resilient measures to provide a defence up to the projected year 2115, 1:200 flood event level. Such measures will include the removal/sealing of ground level vents (use of 'Independent Flood Defence Products' Ventguard, Ventseal and Smartbrick are currently being considered) and having anti-flood valves fitted to all drainage runs existing the building.

The applicant's consultant has also recommended the Government advice of 'Improving the flood performance on new buildings – flood resistant construction' is followed, where the new building might include:-

- Sealed service ducts
- Electrical and other plant being located at a raised level
- High level electrical sockets
- Optimising the security of supplies

Whereas a more detailed SFRA is being prepared for Southampton, this is unlikely to be made available before late July 2010.

The safe access arrangements intended for the additional 7 dwellings beyond the year 2060 are:-

- Provision of trained flood wardens on the site
- The applicant signing-up to the EA flood warning direct service
- Preparation of a flood risk management plan for the whole development
- Provision of a safe refuge – the internal amenity deck at 3rd floor level, to disseminate information if a flood event occurred.

The intended strategy for the management plan above is to arrange evacuation prior to the flood event occurring, by giving advance warning of such events, so as to not place undue reliance on the emergency services. By applying the plan to the whole development, the applicant agrees a betterment on the existing consented arrangements.

The approach set out in PPS25 is to first seek to develop sites for new housing in Flood Zone 1 (i.e. no risk of flood) and to develop sites in Flood Zone 3 last and only then where certain criteria are met.

Local planning authorities should apply the sequential approach as part of the identification of land for development in areas at risk of flooding.

If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development (see Table D.2, Annex D) can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources.

If, following application of the Sequential Test in Annex D, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied. It is only appropriate for use when there are large areas in Flood Zones 2 and 3, where the Sequential Test alone cannot deliver acceptable sites, but where some continuing development is necessary for wider sustainable development reasons, taking into account the need to avoid social or economic blight.

Only when sites are not reasonably available to a developer should flood zone 3 be considered and development only entertained if a number of criteria have been met. All the three elements (see para. D.9, Annex D) of the test will have to be passed for development to be permitted. For the Exception Test to be passed:

a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a strategic flood risk assessment where one has been prepared. The benefits of the development should contribute to the Core Strategy's Sustainability Appraisal;

b) the development should be on developable, previously-developed land; and,

c) a flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Officers are satisfied that the sequential test has been applied and that there are no other reasonably available sites open to the applicant to locate the proposed development or improve the viability of the consented scheme. Officers are also satisfied that all three

elements of the exception test apply in this case. Any further written views from the Environment Agency will be reported at the meeting. Being a statutory consultee under legislation, the Environment Agency does have the power to ask GoSE to call the application in for the Secretary of State's own determination.

Density, design & impact on established character

The city centre minimum density is 100 dwellings per hectare this alternative scheme's density is 421 dwellings per hectare (compared to 391 as consented). The density is appropriate when assessing the scheme against other recently approved developments within the vicinity.

In terms of the design aspect of the build, the scale and bulk is identical to that already consented. Therefore, the development still fits harmoniously with the other buildings within the vicinity, including lower level buildings within the conservation area, some distance away to the south.

The proposal provides a justifiable case to approve a departure from the local plan due to the current state of the site and its location. The scheme complies with Central Government's Guidance on providing high density mixed use developments on brown field sites.

Residential amenity

The original scheme of 110 dwellings was refused for inadequate quality of amenity space and the impact of this amenity on the adjacent flats facing into this plaza area. The main amenity area for the scheme is located on the third floor. There is also a second roof top amenity plaza area on the sixth floor which comprises of shrub planters and sheltered canopies.

The main plaza area consists of raised water features, raised deck areas, raised planters and a BBQ area. This area has been well thought out and has been designed to be linked with the indoors.

Whereas a small reduction in the amount of space available per dwelling would result from the increased density - 8.4m² per unit overall (compared to 9m² as approved) – this is not considered so detrimental to justify the refusal of planning permission and an additional contribution towards improving public open space locally would result from the S.106.

Highways and Parking

Given the site's high accessibility location a car free scheme accords with policy SDP5 and CS18/CS19.

Appropriate cycle and refuse storage has been provided for future occupants of the site in accordance with policy SDP5 (Appendix 2) of the adopted City of Southampton Local Plan Review, CS19 of the adopted Core Strategy and paragraphs 5.3 and 9.22 – 9.2.6 of the Residential Design Guide.

Conclusion

This application has been assessed as being acceptable to residential amenity and its local context. The application is recommended for conditional approval subject to a S.106 legal agreement being completed.

Corporate Awareness Considerations

The planning assessment made on this planning application proposal has taken into account the relative importance of Council initiatives and corporate aims as considered appropriate to the formulation of the recommendation reached. In particular, the draft development brief prepared for the land to the south of the site would not be compromised by granting planning permission. The recommendation is considered to accord with the wider aims and objectives of the councils agenda.

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), 5 (e), 6(a), 6(c), 6 (f), 6(h), 7 (a), 7(c), 7 (d), 7 (m), 7 (q), 7 (x), 7 (y), 8(a), 9(a) and 9(b)

(SL 7/06/2010 for 22/06/2010 PRow Panel)

RECOMMENDATION: DEL

CONDITIONS for 10/00521/MMA

01. PRE-COMMENCEMENT CONDITION - Site investigation and remediation

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 elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

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

REASON

The site may be contaminated due to industrial activities that have taken place onsite. Risk to groundwater and surface water has not yet been established at the site.

02. PRE-COMMENCEMENT CONDITION - Archaeological Works

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 archaeology of the site is properly investigated.

03. PRE-COMMENCEMENT CONDITION - External lighting

A detailed scheme for the lighting of external areas – including the two communal amenity spaces - shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed scheme of external lighting shall be fully implemented to the satisfaction of the Local Planning Authority before any of the dwellings hereby approved are first occupied and subsequently maintained to the satisfaction of the Local Planning Authority.

REASON

In the interests of crime prevention and having regard to the site's proximity to Southampton Airport in terms of needing to ensure pilot/public safety.

04. PRE-COMMENCEMENT CONDITION - Bird hazard management plan

Development shall not begin until a method statement has been submitted to and approved in writing by the Local Planning Authority, detailing how the applicant would prevent the nesting, roosting or loafing of hazardous birds, in particular gull on flat/shallow pitched roofs. The method statement shall be implemented as approved.

REASON

To avoid endangering the operation of aircraft through the attraction of birds.

05. PRE-COMMENCEMENT CONDITION - Foul drainage

No development approved by this planning permission shall be commenced until a scheme for the foul drainage has been submitted to and approved in writing by the local planning authority. An assessment of the capacity of the existing foul sewer should be carried out to ensure that there is sufficient capacity to deal with any increase in flow and loading associated with this development. It should be demonstrated that there will be no increase in the frequency of surcharges from the foul sewer as a result of the increased flows from this development. We recommend that the applicant consults the sewerage undertaker Southern Water on this assessment.

REASON

An increase in the loading to the mains foul sewer may result in increased overflows from the Millbrook sewerage catchment. To protect surface water from pollution the receiving sewer should be of sufficient capacity to avoid these increases.

06. PRE-COMMENCEMENT CONDITION - Surface water drainage

No development approved by this planning permission shall be commenced until details for the surface water drainage have been submitted and approved in writing by the local planning authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to be passed through an oil separator designed to have the capacity and details compatible with the site being drained. Roof water should not pass through the separator.

REASON

To protect surface waters and reduce loading on the foul sewer.

07. PERFORMANCE CONDITION - Drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to controlled waters.

REASON

To protect the minor aquifer beneath the site and the surface waters to the south west of the site as SUDS can increase the potential for pollution if located in contaminated ground.

08. PERFORMANCE CONDITION - Piling restriction

Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater.

REASON

To protect minor aquifer beneath the site and the surface waters to the south west of the site. If used, piling may provide direct pathways for contaminants to groundwater.

09. PERFORMANCE CONDITION - Details and samples of the materials

The materials schedule attached to the HNW letter dated 6 November 2007 shall be used to implement the development hereby approved.

REASON

In order that the Local Planning Authority can exercise control over the final appearance of the building in the interests of visual amenity.

10. PERFORMANCE CONDITION - Improved daylighting to 3 Courtyard units

The increase in size of the 3 lounge windows in line with the recommendations as set out in submitted 'daylight and sunlight provision in courtyard flats, College Street' dated 14th February 2006 and submitted with application 06/00246/FUL, detailed in the HNW letter dated 21 December 2007, shall be fully implemented as part of the development.

REASON

In the interests of the future occupiers residential amenities, in order to achieve adequate daylighting.

11. PERFORMANCE CONDITION - Office space

The commercial floor space hereby approved shall only be used for B1 uses as defined within the Town and Country Planning Use Classes (Amendment) Order 2005 and there shall be no permitted change to B8.

REASON

In order to safeguard the office space and its employment generating potential within this area of Southampton.

12. PERFORMANCE CONDITION - Communal amenity spaces

The landscaped communal plaza/rooftop areas shown on the previously approved 06/00246/FUL drawings and pedestrian access to them shall be provided and made available prior to the occupation of any of the flats hereby permitted and shall thereafter be retained at all times for the use of all the occupiers of the flats.

REASON

To ensure the provision of amenity space in association with the flats.

13. PERFORMANCE CONDITION - Design of column locations within the car park

The design of column locations within the car park as previously approved by the local planning authority in its letter dated 8 August 2008, in response to the HNW letter and enclosures dated 22 November 2007, shall be fully implemented as part of implementing the development.

REASON

To allow vehicles to manoeuvre into the car park spaces thus preventing vehicles from carrying out multiple manoeuvres when parking, thereby causing congestion and obstruction to traffic on the highway.

14. PERFORMANCE CONDITION - Cycle access and exit route

The cycle access and exit route to the car park shown on HNW drawing 07045 P010 Rev P4, previously approved by the Local Planning Authority in its letter dated 8 August 2008, shall be provided and permanently maintained for that purpose.

REASON

To maintain pedestrian and cycle safety and access.

15. PERFORMANCE CONDITION - Details of the parking, loading, unloading and turning of vehicles

The development hereby permitted shall not be brought into use until the approved details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered

P010 Rev P4, P011 Rev P4 and P012 Rev P4 - for the parking, loading, unloading and turning of vehicles serving the site, have been provided, as previously approved by the local planning authority in its letter dated 8 August 2008. Those measures shall subsequently be retained and reserved for those purposes at all times.

REASON

In the interests of highway safety and to achieve a satisfactory form of development.

16. PERFORMANCE CONDITION - Routeing of construction traffic and on-site arrangements

During the development those details set out in and attached to the HNW letter dated 16 January 2008 relating to the routeing of construction traffic and on site areas for the parking, loading, unloading and turning of vehicles shall be fully observed, as previously approved in the local planning authority's letter dated 8 August 2008. Such areas shall be subsequently retained and reserved for those purposes at all times during the construction period.

REASON

In the interests of highway safety and to achieve a satisfactory form of development.

17. PERFORMANCE CONDITION - Motor cycle parking

Adequate parking facilities for 2 motorcycles to the Local Planning Authority's standards, as previously approved by the local planning authority's letter dated 8 August 2008 in response to the HNW letter dated 22 November 2007 relating to HNW drawing 07045 P011 Rev P4, shall be provided before any part of the development is first brought into use. Such parking shall be permanently maintained for that purpose.

REASON

To encourage motorcycling as a more sustainable form of transport.

18. PERFORMANCE CONDITION - Details of residential bicycle parking

No flat shall first be occupied until secure, covered and enclosed space has been laid out within the site for 97 bicycles to be stored with both wheels on the ground for the benefit of the occupants in accordance with the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4 – previously approved by the local planning authority in its letter dated 8 August 2008. The cycle storage shall thereafter be retained and maintained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

19. PERFORMANCE CONDITION - Visitor cycle parking

The building shall not be occupied in full or in part until cycle stands for 10 visitors have been made available for visitors to the residential element of the site and cycle stands for 6 visitors have been made available for visitors to the commercial element of the site in accordance with the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4 and P011 Rev P4 - previously approved by the local planning authority in its letter dated 8 August 2008. Once provided, those cycle stands shall thereafter be retained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

20. PERFORMANCE CONDITION - Refuse and waste recycling facilities

The refuse storage arrangements including facilities for recycling, set out in the HNW letter and enclosures dated 21 December 2007 and previously approved by the local planning authority in its letter dated 8 August 2008, shall be fully implemented and provided before any part of the building is first brought into use. Once provided those facilities shall be retained on site for that purpose at all times.

REASON

To ensure satisfactory facilities are provided for refuse storage and recycling.

21. PERFORMANCE CONDITION - Minimum clearance to undercrofts

The minimum clearance over the access and undercroft shall shall not be less than 2.5m above the carriageway level before the development hereby approved is first brought into use.

REASON

To provide maintain access and safety for vehicle users, cyclists and pedestrians.

22. PERFORMANCE CONDITION - Gate positioning

Gates shall be set back at least 5.5m from the rear of the footway and shall be shown on a drawing and approved in writing before the development hereby permitted commences and such vehicular egress from the site and shall be provided and permanently maintained for that purpose.

REASON

To maintain pedestrian and cycle safety and access.

23. PERFORMANCE CONDITION - Provision of vehicular sight lines

Sight lines of 2.4m x 35m shown on HNW drawing 07045 P010 Rev P4, previously approved by the local planning authority in its letter dated 8 August 2008, shall be provided before the building is first brought into use. Notwithstanding the provisions of the Town & Country General Development Order 1995 (as amended) no fences, walls or other means of enclosure, including hedges and shrubs, or other structures shall be erected above a height of 0.6 metres above carriageway level within the sight line splay.

REASON

In the interests of highway safety.

24. PERFORMANCE CONDITION - Provision of pedestrian sight lines

Pedestrian sight lines of 2.0m x 2.0m on HNW drawing 07045 P010 Rev P4, previously approved by the local planning authority in its letter dated 8 August 2008, shall be provided before the building is first brought into use. Notwithstanding the provisions of the Town & Country General Development Order 1995 (as amended) no fences, walls or other means of enclosure, including hedges and shrubs, or other structures shall be erected above a height of 0.6 metres above carriageway level within the sight line splay.

REASON

In the interests of highway safety.

25. PERFORMANCE CONDITION - Highways requirement

No doors, windows or other openings are to open out onto the highway.

REASON

In the interests of pedestrian safety.

26. PERFORMANCE CONDITION - Oversailing licence

A licence for the construction of buildings over highways to comply with S177 of the Highways Act 1980 shall be obtained or the over sail of the highway shall be removed to conform to the Local Planning Authority's requirements (and shall be shown on a drawing and approved in writing) before the development hereby permitted commences.

REASON

To maintain pedestrian and cycle safety.

27. PERFORMANCE CONDITION - Construction of access

A dropped kerb vehicle access that maintains pedestrian priority shall be provided at the entrance to and exit from the car park and shall be shown on a drawing and approved in writing prior to first occupation of the development. Such access shall be permanently maintained for that purpose.

REASON

To maintain pedestrian safety and access.

28. PERFORMANCE CONDITION - Stop up redundant access

The existing accesses to the site on Richmond Street and College Street which are no longer required shall be stopped up and abandoned and the footway crossings shall be reinstated immediately after the completion of the new access.

REASON

In the interests of highway safety.

29. PERFORMANCE CONDITION - Provision for the disabled

Adequate disabled facilities to provide suitable access, to all areas of the development that conform to the Local Planning Authority's standards shall be provided within the site before the development hereby permitted commences and such access shall be permanently maintained for that purpose:

REASON

To provide suitable access for the disabled.

30. PERFORMANCE CONDITION - Vehicular gradient maxima

The gradient of the vehicular access shall be no more than 10% to conform to the Local Planning Authority's requirements. Gradients shown on the HNW drawings prefixed 07045 and numbered P028 Rev P3 and P030 Rev P1, as previously approved by the local planning authority in its letter dated 8 August 2008, shall be built out before the development hereby permitted is first brought into use.

REASON

To provide safe access to the development and to prevent congestion on the highway.

31. PERFORMANCE CONDITION - Pedestrian gradient maxima

The gradient of pedestrian access shall be no more than 8% and where possible 5% to conform to the Local Planning Authority's requirements. Gradients shown on the HNW drawings prefixed 07045 and numbered P028 Rev P3 and P030 Rev P1, as previously approved by the local planning authority in its letter dated 8 August 2008, shall be built out before the development hereby permitted is first brought into use.

REASON

To provide safe pedestrian access particularly for the disabled.

32. PERFORMANCE CONDITION - Car parking provision/allocation

Adequate parking facilities for 37 cars including a maximum of 4 spaces for the commercial units to conform to the Local Planning Authority's standards shall be provided in accordance with the approved details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4 - before the building is first brought into use. Such parking shall be permanently maintained for that purpose.

REASON

To prevent obstruction to traffic in neighbouring roads.

33. PERFORMANCE CONDITION - Car parking for the disabled

At least 6 disabled car parking spaces to conform to the Local Planning Authority's standards and the DDA shall be provided in accordance with the approved details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4 – before the building is first brought into use. Such parking shall be permanently maintained for that purpose.

REASON

To provide safe and adequate parking and access facilities for disabled persons.

34. PERFORMANCE CONDITION - Car parking

Before any part of the development hereby approved is occupied, both the 43 on-site parking spaces and a proper vehicle access relating to them shall be provided to the satisfaction of the Local Planning Authority and thereafter retained for that purpose. The residential element of the parking shall not be used for any trade, business or industrial user.

REASON

To ensure provision of vehicular access and parking, to avoid congestion in adjoining areas and to protect the amenities of the area.

35. PERFORMANCE CONDITION – Offices: bicycle parking provision

The office accommodation shall not be occupied in full or in part until secure, covered and enclosed space has been laid out within the site for 18 bicycles to be stored with both wheels on the ground for the benefit of the commercial units, independent of any residential bicycle parking. The areas for bicycle parking shall accord with those previously approved by the local planning authority in its letter dated 8 August 2008, relating to details attached to the HNW letter dated 22 November 2007 - set out in drawings prefixed 07045 and numbered P010 Rev P4, P011 Rev P4 and P012 Rev P4. Once provided that bicycle storage shall thereafter be retained and maintained on site for that purpose.

REASON

To encourage cycling as a sustainable form of transport.

36. PERFORMANCE CONDITION - Acoustic glazing

All windows shall be glazed to the following standard, or other such specification as might be agreed in writing with the local planning authority:-

- 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

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' (<http://www.bbacerts.co.uk/>) approved mechanically powered ventilation should be the preferred option. However, provision of acoustic trickle vents will be acceptable. Once approved, that glazing shall be installed before any of the flats are first occupied and thereafter retained at all times.

REASON

To protect occupants of those flats from traffic noise from Threefield Lane.

37. PERFORMANCE CONDITION - Clean fill materials

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 no ground contamination risks to human health and the environment are introduced onto the development.

38. PERFORMANCE CONDITION - Unexpected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON

To protect minor aquifer beneath the site and the surface waters to the south west of the site. There may be areas of the site, which can not be fully characterised by a site investigation and unexpected contamination may be identified.

39. PERFORMANCE CONDITION - Wheel Cleaning

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 have been cleaned sufficiently to prevent mud being carried onto the highway.

REASON

In the interests of highway safety.

40. PERFORMANCE CONDITION - Hours of construction

All works relating to the construction of the development hereby granted, including the works to regrade the levels of the site, demolition and ground preparation prior to building operations shall only take place between the hours of 8am and 6pm on Monday to Friday and 9am to 1pm on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period.

Reason for granting a Minor Material Amendment to Permission 06/00246/FUL

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Although the proposed development does not accord with policy REI11 (vi), particular account has been taken of the quality of the proposed replacement employment floorspace, current market conditions, the overall viability of the scheme and delivery of more affordable housing. 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, a Minor Material Amendment to Permission 06/00246/FUL should therefore be granted.

South East Plan: Regional Spatial Strategy (May 2009)

Policies –

SP2, SP3, SP4, CC1, CC2, CC3, CC4, CC6, CC7, CC8, RE1, RE3, RE6, H1, H2, H3, H4, H5, T1, T2, T4, T5, NRM1, NRM2, NRM4, NRM5, NRM10, W1, W2, BE1, BE6, TC1, TC2, S1, S5, SH1, SH3, SH4, SH5, SH6, SH7 and SH8

City of Southampton Local Plan Review (March 2006)

Policies –

SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP8, SDP10, SDP 11, SDP 12, SDP 13, SDP 16, SDP17, SDP19, SDP22, HE1, HE6, CLT 5, CLT 6, H1, H2, H7, H9, REI 11 (vi) and MSA1

City of Southampton Core Strategy (January 2010)

Policies –

CS1, CS4, CS5, CS6, CS7, CS8, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS23 and CS25.

Notes to Applicant

1. Please be advised of the British Standard Code of Practice for the safe use of Cranes, 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.

2. Any method statement in respect of a 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 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 the BAA Airfield Operations staff. The owner/occupiers must remove any nest or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupiers must hold appropriate Defra licences before the removal of nests and eggs.

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

4. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk.

5. Hampshire Constabulary have advised that communal external door and flat access doorsets should be to BS PAS 23-1 1999/BS PAS 24-1 1999 (Doors of Enhanced Security). It is recommended that CCTV cameras be deployed within the post room to deter criminal intrusion and other critical points such as vehicle entry/exit, pedestrian street entrances and the parking areas. In addition each flats should provide audio/visual control of the communal access doorsets.

POLICY CONTEXT**South East Plan: Regional Spatial Strategy (May 2009)**

SP2 – Regional hubs
 SP3 – Urban focus and urban renaissance
 SP4 – Regeneration and social inclusion
 CC1 – Sustainable development
 CC2 – Climate change
 CC3 – Resource use
 CC4 – Sustainable design and construction
 CC6 – Sustainable communities and character of the environment
 CC7 – Infrastructure and implementation
 CC8 – Green infrastructure
 RE1 – Contributing to the UK's long term competitiveness
 RE3 – Employment and land provision
 RE6 – Competitiveness and addressing structural economic weakness
 H1 – Regional housing provision 2006-2026
 H2 – Managing the delivery of the regional housing provision
 H3 – Affordable housing
 H4 – Type and size of new housing
 H5 – Housing design and density
 T1 – Manage and invest (Travel)
 T2 – Mobility management
 T4 – Parking
 T5 – Travel plans and advice
 NRM1 – Sustainable water resources and groundwater quality
 NRM2 – Water quality
 NRM4 – Sustainable flood risk management
 NRM5 – Conservation and improvement of biodiversity
 NRM10 – Noise
 W1 – Waste reduction
 W2 – Sustainable design, construction and demolition
 BE1 – Management for an urban renaissance
 BE6 – Management of the historic environment
 TC1 – Strategic network of town centres
 TC2 – New development and redevelopment in town centres
 S1 – Supporting healthy communities
 S5 – Cultural and sporting activity
 SH1 – Core Policy (For South Hampshire)
 SH3 – Scale, location and type of employment development
 SH4 – Strategy for main town centres
 SH5 – Scale and location of housing development 2006-2026
 SH6 – Affordable housing
 SH7 – Sub-regional transport strategy
 SH8 – Environmental sustainability

City of Southampton Local Plan Review (March 2006)

SDP1 - Quality of Development
 SDP4 – Development access
 SDP5 - Parking
 SDP6 – Urban design principles
 SDP 7 - Context
 SDP8 – Urban Form and Public Space

SDP9 – Scale, massing and appearance
SDP10 – Safety and security
SDP 11 - Accessibility and Movement
SDP 12 - Landscape and biodiversity
SDP 13 – Resource Conservation
SDP 16 – Noise
SDP17 – Lighting
SDP19 – Aerodrome safeguarding
SDP21 – Water quality and drainage
SDP22 – Contaminated land
HE1 – New Development in and affecting the setting of Conservation Areas
HE6 - Archaeology
CLT 5 - Open Space in New Residential Developments
CLT 6 - Provision of Children’s Play Areas
H1 – Housing Supply
H2 – Previously Developed Land
H7 – Residential Environment
H9 – Affordable Housing Requirements
REI 11 – Light Industry
MSA1 – City Centre Design

City of Southampton Local Development Framework Core Strategy (January 2010)

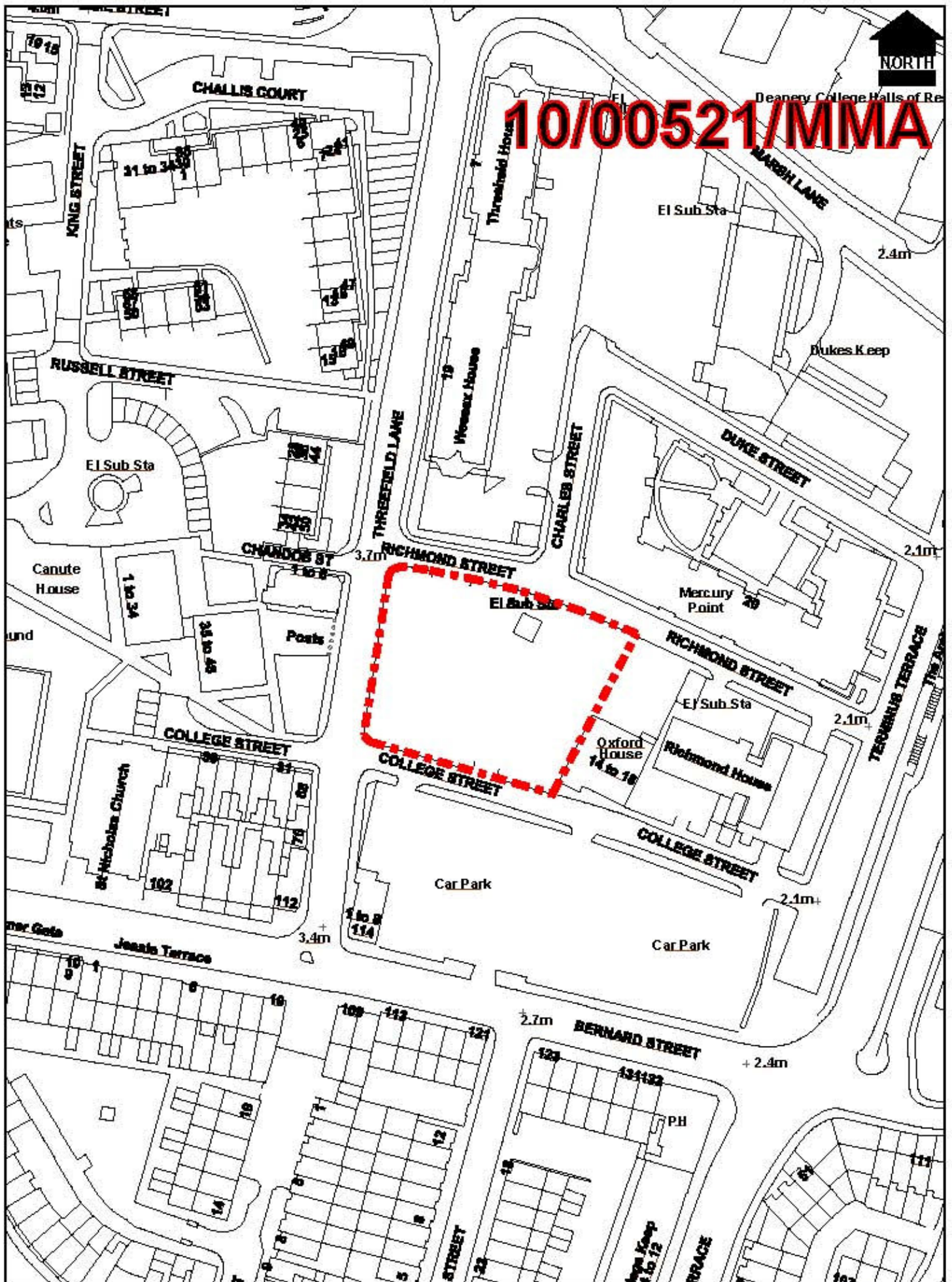
CS1 City centre approach
CS4 Housing delivery
CS5 Housing Density
CS6 Economic growth
CS7 Safeguarding employment sites
CS8 Office location
CS13 Fundamentals of design
CS14 Historic environment
CS15 Affordable housing
CS16 Housing Mix and Type
CS18 Transport: Reduce, manage, invest
CS19 Car and Cycle Parking
CS20 Tackling and adapting to climate change
CS22 Promoting biodiversity
CS23 Flood risk
CS25 The delivery of infrastructure and developer contributions

Supplementary Planning Guidance

Residential Design Guide (September 2006)
Planning Obligations (August 2005)
Development Design Guide
City Centre Urban Design Strategy
City Centre Characterisation Study

Other relevant guidance

PPS1 – Delivering sustainable development
PPS 3 – Housing
PPS4 – Planning for sustainable economic growth
PPS5 – Planning for the historic environment
PPG13 – Transport
PPG17 – Planning for open space, sport and recreation
PPG24 – Planning and noise
PPS25 – Development and flood risk



Scale: 1:1250

Date: 09 June 2010

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