

Planning and Rights of Way Panel

Tuesday, 11th December,
2012
at 9.30 am

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic
Centre

This meeting is open to the public

Members

Councillor Mrs Blatchford (Chair)
Councillor Claisse
Councillor Cunio
Councillor L Harris
Councillor Lloyd
Councillor Shields
Councillor Smith

Contacts

Democratic Support Officer
Pat Wood
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Sustainability
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PUBLIC INFORMATION

Terms of Reference

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Members of the public in attendance at the meeting are advised of the process to be followed.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy – The Council operates a no-smoking policy in all civic buildings

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2012/13

2012	2013
29 May 2012	15 January 2013
26 June	19 February
24 July	26 March
21 August	23 April
18 September	
16 October	
20 November	
11 December	

CONDUCT OF MEETING

Terms of Reference

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

Business to be discussed

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

Rules of Procedure

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

Quorum

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

DISCLOSURE OF INTEREST

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

DISCLOSABLE PERSONAL INTERESTS

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

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

Principles of Decision Making

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

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

In exercising discretion, the decision maker must:

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

AGENDA

Agendas and papers are available via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 STATEMENT FROM THE CHAIR

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 9:30 AM TO 10:20 AM

4 CHAMBERLAIN HALLS, UNIVERSITY OF SOUTHAMPTON, GLEN EYRE ROAD /12/01450/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 10:20 AM TO 11:00 AM

5 BASSETT HOUSE, CHETWYND ROAD /12/01451/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:00 AM TO 11:30 AM

6 31A MANOR FARM ROAD, SO18 1NN /12/01632/FUL

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 11:30 AM AND 12:15 PM

7 PARK HOTEL, 90 SHIRLEY ROAD /12/01482/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 12:15 PM TO 12:40 PM

8 106 TENNYSON ROAD, SO17 2HH /12/01202/FUL

Report of the Planning and Development Manager recommending refusal in respect of an application for a proposed development at the above address, attached.

MAIN AGENDA ITEMS

ITEMS TO BE HEARD BETWEEN 12:40 PM AND 1:00 PM

9 AUTHORISATION TO ERECT A BARRIER ACROSS A PUBLIC RIGHT OF WAY AND ANCILLARY ACTIONS

Report of the Head of Regulatory Services seeking authorisation to install an appropriate gated barrier across the entrance to Restricted Byway 28, attached.

CONSIDERATION OF PLANNING APPLICATIONS

ITEMS TO BE HEARD BETWEEN 1.30 PM AND 2.00 PM

10 FORMER BIRCH LAWN CARE HOME, SULLIVAN ROAD /12/01392/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 2.00 PM AN 2.30 PM

11 LAND AT THE REAR OF CATERAN CLOSE /12/01487/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 2.30 PM AND 3.00 PM

12 2-8 QUEENSWAY AND ADJOINING AREA OF PUBLIC HIGHWAY /12/01262/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 3.00 PM AND 3.30 PM

13 N X P SEMICONDUCTORS, SECOND AVENUE /12/00975/OUT

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 3.30 PM AND 4.00 PM

14 N X P SEMICONDUCTORS, SECOND AVENUE / 12/01109/FUL

Report of the Planning and Development Manager recommending conditional approval be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 4.00 PM AND 4.30 PM

15 THE BRADBURY CENTRE, 300 ALDERMOOR ROAD SO16 5NA / 12/01153/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

ITEMS TO BE HEARD BETWEEN 4.30 PM AND 5.00 PM

16 100-102 EAST STREET / 11/01624/FUL

Report of the Planning and Development Manager recommending delegated authority be granted in respect of an application for a proposed development at the above address, attached.

Monday, 3 December 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

Agenda Annex

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 11 December 2012 - Conference Rooms 3 and 4, 1st Floor, Civic Centre

PLEASE NOTE: THE PANEL WILL BREAK FOR LUNCH at or around 1.00 PM

Main Agenda Item Number	Officer	Recommendation	Type	PSA	Application Number / Site Address
<u>BETWEEN 9.30 AM AND 10.20 AM</u>					
4	SH	DEL	Q07	15	12/01450/FUL / Chamberlain Halls University of Southampton Glen Eyre Road
<u>BETWEEN 10.20 AM AND 11.00 AM</u>					
5	SH	DEL	Q13	5	12/01451/FUL / Bassett House, Chetwynd Road
<u>BETWEEN 11.00 AM AND 11.30 AM</u>					
6	AA	CAP	Q20	5	12/01632/FUL / 31A Manor Farm Road, SO18 1NN
<u>BETWEEN 11.30 AM AND 12.15 PM</u>					
7	MP	DEL	Q07	15	12/01482/FUL / Park Hotel, 90 Shirley Road
<u>BETWEEN 12.15 PM AND 12.40 PM</u>					
8	SB	REF	Q20	5	12/01202/FUL / 106 Tennyson Road, SO17 2HH
<u>MAIN AGENDA ITEM – BETWEEN 12.40 PM AND 1.00 PM</u>					
9	Karen Hunter	AGREE	N/A	5	Authorisation to erect a barrier across a public right of way and ancillary actions
<u>LUNCH BETWEEN 1.00 PM AND 1.30 PM</u>					
<u>BETWEEN 1.30 PM AND 2.00 PM</u>					
10	JT	DEL	Q07	15	12/01392/FUL / Former Birch Lawn Care Home, Sullivan Road
<u>BETWEEN 2.00 PM AND 2.30 PM</u>					
11	JT	DEL	Q07	15	12/01487/FUL / Land At The rear of Cateran Close
<u>BETWEEN 2.30 PM AND 3.00 PM</u>					
12	JT	DEL	Q07	15	12/01262/FUL / 2 - 8 Queensway and adjoining Area of Public

					Highway
<u>BETWEEN 3.00 PM AND 3.30 PM</u>					
13	SH	DEL	Q03	15	12/00975/OUT / N X P Semiconductors Second Avenue
<u>BETWEEN 3.30 PM AND 4.00 PM</u>					
14	SH	CAP	Q08	15	12/01109/FUL / N X P Semiconductors Second Avenue
<u>BETWEEN 4.00 PM AND 4.30 PM</u>					
15	SL	DEL	Q18	5	12/01153/FUL / The Bradbury Centre, 300 Aldermoor Road SO16 5NA
<u>BETWEEN 4.30 PM AND 5.00 PM</u>					
16	SL	DEL	Q13	5	11/01624/FUL / 100-102 East Street

Abbreviations:

PSA – Public Speaking Allowance; CAP - Approve with Conditions: DEL - Delegate to Officers:
PER - Approve without Conditions: REF – Refusal: TEMP – Temporary Consent

MP – Mathew Pidgeon, SL – Steve Lawrence, SH – Stephen Harrison, SB – Stuart Brooks, AA
– Andy Amery, JT – Jenna Turner

Southampton City Council - Planning and Rights of Way Panel

Report of Executive Director of Environment

Local Government (Access to Information) Act 1985

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

Applications: **Background Papers**

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

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy (Adopted 2007)
 - (b) City of Southampton Local Plan Review (Adopted March 2006) saved policies
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) City of Southampton Local Development Framework – Core Strategy (adopted January 2010)

3. **Statutory Plans in Preparation**
 - (a) City of Southampton Local Development Framework – City Centre Action Plan City Centre Action Plan Issues & Options Paper (2007)

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Provision of Community Infrastructure & Affordable Housing - Planning Obligation (2006)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)
 - (n) Itchen Valley Strategy (1993)
 - (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)

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

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

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Southampton C.C. - Cycling Plan (June 2000)
- (d) Southampton C.C. - Access for All (March 1995)
- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) DETR Traffic Advisory Leaflets (various)

6. Planning related Government Circulars in most common use

- (a) Planning Obligations 05/05 (As adjusted by Community Infrastructure Levy Regulations 2010)
- (b) Planning controls for hazardous substances 04/00
- (c) The Use of conditions in planning permissions 11/95
- (d) Environmental Impact Assessment 2/99
- (e) Planning Controls over Demolition 10/95
- (f) Planning and Affordable Housing 6/98
- (g) Prevention of Dereliction through the Planning System 2/98
- (h) Air Quality and Land Use Planning 10/97
- (i) Town and Country Planning General Regulations 19/92

7. Government Policy Planning Advice

- (a) National Planning Policy Framework (27.3.2012)

8. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2009)

9. Other Statutes

- a) Crime and Disorder Act 1998
- b) Human Rights Act 1998

Revised: 10.7.2012

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Agenda Item 4

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: Chamberlain Halls, University of Southampton, Glen Eyre Road			
Proposed development: Re-development of part of the site to provide 41 cluster flats for student accommodation (356 bedspaces) in 3 x four-storey buildings with ancillary uses including pedestrian, cycle and vehicular access, servicing and parking arrangements with a new bus lay-by. (PHASE 1)			
Application number	12/01450/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	01.01.2013 (13 week date)	Ward	Bassett
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides

Applicant: University Of Southampton	Agent: Luken Beck
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. This application proposes a development of high quality buildings and offers additional student accommodation to serve the University's established needs. The principles of such proposals are in accordance with the current development plan (Local Plan policies H13 and H14 as supported by the LDF Core Strategy Policy CS11) as they seek to intensify the university's facilities. As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in the report to the Planning and Rights of Way Panel on 11th December 2012. Notwithstanding the third-party objections to the proposal outlined in this report the impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the requirement to make an efficient use of land. Other material considerations do not have sufficient weight to justify a refusal of the application. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP15, SDP22, HE6, CLT1, CLT5, L7, H2, H7,

H13 and H14 and City of Southampton Core Strategy (January 2010) policies CS3, CS4, CS6, CS11, CS13, CS15, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	City Design Manager's Comments		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i. Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
 - ii. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping and public realm works (including the funding of any necessary associated traffic Regulation Order and provision of the service laybys and a replacement Unilink bus stop with pedestrian crossing facilities as required provided ahead of first occupation) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
 - iii. An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iv. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - v. Agreement of off-site construction vehicle routing;
 - vi. A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements as set out in the Local Transport Plan and appropriate SPG/D;
 - vii. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - viii. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy;
 - ix. A Site Waste Management Plan;
 - x. Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;

- xi. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car to university shall be sent prior to each occupation. A restriction on car parking will be contained within the Contract for accommodation. The car parking restriction policy will be displayed at a prominent location within the scheme.
- xii. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;

In the event that the S.106 Legal Agreement is not completed within 2 months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Background

The University of Southampton have applied to redevelop the existing Chamberlain Halls of Residence with a modern student housing scheme. This application forms Phase 1 of the wider scheme and is covered by this report (LPA ref: 12/01450/FUL).

The University has also applied to redevelop the neighbouring office space located at Bassett House with a modern student housing scheme. This forms Phase 2 of the wider scheme and is covered by a second report on this Panel agenda (LPA ref: 12/01451/FUL).

1.0 The site and its context

- 1.1 The application site is accessed from Glen Eyre Road and forms part of the University of Southampton's existing halls of residence offer. The site sits to the north and west of the tri-form blocks of South Hill accommodation (which is to be retained) and on the opposite side of Glen Eyre Road from Glen Eyre Hall.
- 1.2 The site has an area of approximately 2.27 hectares and comprises a 3-4 storey block providing 168 bedrooms with ancillary catering and communal facilities (use class C2). The existing building was constructed in the late 1950's and is currently vacant. It is no longer fit for its intended purpose. Prior approval has been granted for the building's safe demolition (LPA ref: 12/00598/DPA).
- 1.3 The site is characterised by a change in levels and its landscape setting formed, partly, by the Southampton (Chamberlain Hall, Glen Eyre Road) Tree Preservation Order 2012. The land falls away to the west towards the residential cul-de-sac of Chetwynd Drive, which itself is characterised by two storey detached housing. The common boundary is marked by a mature tree screen.
- 1.4 In terms of established building heights the following heights are relevant to the consideration of this planning application:
 Bassett House – 8.2 metres tall (80.24m Above Ordnance Datum)
 Chamberlain Halls – Dining – 8.5 metres (76.1m AOD)

Chamberlain Halls – West Wing – 10.65 metres (76.65m AOD)

Chamberlain Halls – East Wing – 12.8 metres (76.62m AOD)

South Hill (North) – 10.6 metres (77.3m AOD)

2.0 Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site with three buildings comprising a university halls of residence, arranged as 41 'cluster flats', with social hub (without a bar), laundry and common room on the ground floor.
- 2.2 The 'cluster' flats are arranged as en-suite study bedrooms with between 8 and 10 bedrooms sharing communal living/kitchen space. In total 356 en-suite study bedrooms are proposed. Of these rooms, 4 have been designed as wheelchair compliant, 4 will be designed for those with a hearing impairment and there will be a room designed for occupation by a student with a visual impairment.
- 2.3 Typically, ensuite bedrooms have a floor area of between 13.2 and 16.4sq.m, and the communal living space for each cluster flat measures between 31 and 38sq.m.
- 2.4 In addition, some 270sq.m of communal floorspace comprising two lounges, a social hub/entrance lobby and a laundry room are provided across the site to serve all residents. The application proposes 24hr management.
- 2.5 Limited parking for 14 cars (including 7 disabled) is provided to the front of the building and adjacent to the South Hill Campus. No parking is provided for students without a disability. Instead a minimum of 174 cycle parking spaces are proposed. A private refuse collector will service the development.
- 2.6 The development will incorporate the following biodiversity measures:
- Wildflower planting at woodland edges;
 - Inclusion of native species within the landscaping proposals;
 - Bird and bat boxes will be installed on standard and mature tree specimens;
 - Enhanced stag beetle habitat.
- 2.7 If successful it is anticipated that works will start on Phase 1 in early 2013 in time for the September 2014 intake.
- 2.8 **The Buildings**
Phase 1 comprises 3 buildings of four storey design forming a large central amenity space wrapped by development.
- 2.9 **Block A/B** is the block nearest Glen Eyre Road and is curved to provide a prominent ground floor entrance/reception close to the new off-road bus layby, which also forms part of these proposals. This building contains the communal space and on-site energy centre which is served by a flue measuring 15.1 metres in height (86m Above Ordnance Datum, albeit only 2 metres above the finished roof level). The building itself ranges in height from 10.7m to 14.8m at the southern end.
- 2.10 **Block C** is a rectangular building adjacent to South Hill located centrally to the application site. The building measures 37.5 metres in length with a finished height ranging from 10 to 13.2 metres (80.5m AOD)

- 2.11 **Block D/E** runs parallel with the site's western boundary and is located some 21 metres from this boundary. The building provides a tri-form element to reflect the neighbouring South Hill development. The building ranges in height from 10-13 metres in height (80.5m AOD).
- 2.12 A modern palette of materials is proposed for all three buildings including buff brick, zinc cladding to stairwells, timber boarding with grey powder coated aluminium windows, and louvres at roof level. The applicants have confirmed that a materials sample panel board will be available at the Panel meeting.
- 2.13 External Space
No private amenity space is provided for the residents per se. Instead all flats have access to the external courtyard and landscaped setting that provides a large, attractive and useable outdoor space.
- 2.14 The existing Unilink bus stop on Glen Eyre Road will be reprovided from the road to within the site's frontage so as to reduce disturbance and improve traffic flows.
- 2.15 Of the 78 trees identified to be lost none are covered by the Southampton (Chamberlain Hall, Glen Eyre Road) Tree Preservation Order 2012 and only 3 are identified as Category A. They are not, therefore, worthy of retention and will be replaced on a 2:1 basis in line with the Council's established requirements.
- 2.16 The site is located in Flood Zone 1 where the main floodrisk management issue identified will be surface water runoff and drainage.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the 'saved' policies of the City of Southampton Local Plan Review (LPR) (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site forms part of the University's designated area for Halls of Residence (LPR Policy H14 refers) where permission will be granted, in principle, for redevelopment. Such uses are protected from redevelopment by this policy.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. The development is committed to achieving an 'Excellent' BREEAM rating through, partly, the use of an on-site Combined Heat and Power (CHP) energy centre.

4.0 Relevant Planning History

- 4.1 The site's planning history is summarised at **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 In line with Council recommendations for major development the applicants undertook their own public consultation event prior to lodging their formal planning application. This included two public drop-in sessions on 20/21 January 2012 where four options were presented. The second exhibition was held on 30/31 March where Block C had been reduced in height from 5 to 4 storeys (as currently shown).

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (25.10.2012) and erecting a site notice (18.10.2012).

5.3 At the time of writing the report **17 representations** have been received from surrounding residents, including an objection from Ward Cllr Hannides and East Bassett Residents Association (EBRA).

5.4 EBRA comment that:

- Residents were expecting to be able to comment further ahead of formal submission;
- Over-intensive use of the site;
- Particular concerns regarding the overloading of water supply and drainage facilities. Existing infrastructure in Glen Eyre Road breaks without additional input. Furthermore, there is regular flooding of Chetwynd Drive and these residents should be properly compensated should this continue in the future;
- Increased noise and disturbance (omission of student bar welcomed) throughout the day and night;
- See assurances that Glen Eyre Halls will not become the location for events organised by Chamberlain Halls students;
- Light pollution (including security lighting);
- Increased litter – the City Council should agree to increase kerbside cleaning during term time;
- Blocks A & B fronting Glen Eyre Road are overbearing in height and appearance. Block B would intrude on the green character of the present aspect which now forms part of the surrounding leafy suburban area;
- The starkness of the nature of the design is out of keeping with the two-storey pitched roof residential properties. This block should be reduced to 3 storeys and Block C increased to compensate;
- Block D should be no taller than 4 storeys;
- The removal/replacement of the bus layby is welcomed but it is requested that the revised proposals are reviewed by SCC Highways once operational.

5.5 Third Party Comment

The following planning-related issues are raised by neighbours and addressed in the 'Planning Considerations' of this report:

- Inadequate dialogue with residents by the University;
- 4 storey development on Glen Eyre Road is too tall, imposing, too close to the road and out of character with the area (contrary to the NPPF) in terms of appearance, bulk and height (it should be reduced to 2-3 storeys). This will be particularly visible from Chetwynd Road and this change is particularly harmful;
- Bland design – 'shed like'

- Intensification of use proposed (from 160-420 students) cannot be sustained;
- The Cedar tree at Bassett House should be preserved at all costs;
- Increased noise, litter and disturbance throughout the day and night. Furthermore, windows adjacent to neighbours should be fixed shut so as to avoid noise transfer;
- Increased pressure on roadside parking and local drainage;
- Lack of sewerage capacity;
- The Unilink service should not be re-routed along Chetwynd Road;
- The area already suffers from low water pressure and drainage problems;
- The proposed absence of green screening on Glen Eyre Road destroys leafy Bassett. Mature tree planting should take place to the front of Blocks A and B;
- Blocks D & E should be restricted to 3 storeys;
- The proposed room sizes are cramped;
- The planting on the site boundary should be protected during the construction phase. Planting along the northern boundary should be substantially improved with additional mature planting. The overall planting proposals are grossly inadequate;
- Loss of amenity (increased overshadowing, interference of views and loss of winter sunlight, and light pollution). The noise and vibration from the plant louvers should be explained in more detail – they effectively add a further storey in height to the building;
- The footpaths are not wide enough to deal with increased student numbers, and there is a dangerous bottleneck where Glen Eyre meets Burgess Road;
- Demolition and piling will affect neighbours foundations;
- The extent of tree loss proposed is unacceptable;
- Loss of property value

5.6 *Note: comments relating to the demolition of Bassett House have been noted and are dealt with under the report for planning application 12/01451/FUL.*

5.7 The **City of Southampton Society** supports the application.

Consultee Comment

5.8 **SCC Highways** – No objection subject to planning conditions. This area is established as a hub for student activity and the proposals will include a new bus bay, allowing 2 buses to be stationary, clear of the public highway in an off carriageway stand. This will be beneficial as students will wait for buses within the campus site itself, and not spill onto the public highway, allowing free movement of other pedestrians passing through this area. Increased bus numbers will pass through this bus stand making bus travel a very convenient option for students, reducing the need for use of a car. The University has a robust travel plan which has been recently updated and deters students from bringing cars to site. Disabled students are catered for here with a number of disabled parking bays provided for their own personal use.

5.9 The University has a well practiced plan for student arrival and departure days, and the operation of this site has been reviewed and has been shown to be able to handle the numbers of students who arrive and leave at the beginning and end of term. Pedestrian student movements have been carefully considered for both this site and the halls opposite, and routes have been created through the campus to encourage movement through these areas.

5.10 A crossing point is highlighted to cross Glenn Eyre Road, and there is a proposal

to provide a puffin traffic light controlled crossing here. However, the Stage One Design safety audit has highlighted a number of issues which could impact on the mature trees in the near vicinity of the crossing, and with the councils officers own opinions of the lack of demand for a controlled crossing here, there may be alternatives which can be provided which will give safe crossing facilities for the students whilst not impacting on the leafy nature of the area.

- 5.11 Cycle parking provision is above the level of cycle usage estimated by the University, but should the demand for cycle parking increase significantly above their predictions, there is scope to increase the provision of cycle parking by using a 2 tier storage system. Recognised cycle routes link this site with the main campus and links into the city centre and other places of interest in the area. Refuse collection will be via convenient access from the roadside, and will be managed by the University within the site.
- 5.12 **SCC Sustainability** - The development is designed to meet BREEAM Excellent and a condition is recommended. However there is disappointment that a comprehensive sustainable drainage system (SuDS) has not been included as the development would be particularly suited to incorporate landscape based features. It is stated that Southern Water have said that the site is not suitable for SuDS. However all sites should be capable of using some form of SuDS, for example source control measures such as rainwater harvesting and green roofs. It is recommended that this is reassessed and measures incorporated at the planning application stage as if not assessed at the outset, opportunities to manage runoff will be missed. it is also recommended that the applicant investigates the feasibility of incorporating interactive displays showing students what energy or water they are using, enabling them to compare their energy use against their neighbours in real-time, as suggested in pre-application comments.
- 5.13 **SCC Flood Risk Management Officer** - It is not up to Southern Water to determine if SUDS are, or are not, suitable. There is the potential to implement a substantial 'proper' SuDS system within the landscaped area. Although the University are proposing to implement an attenuation tank this option is not truly sustainable. Officers have had a look at the historic flooding records for this location and there appear to be a number of sewer issues (foul & surface water) but particularly surface water flooding that has occurred 'downstream' of this site. It's not just the Southern Water sewer system that needs to be considered as the runoff from these areas are eventually discharged into a small stream so it is imperative that additional runoff is not created which could increase flows further within the channel.
- 5.14 **SCC City Design Manager** – Support given. A full copy of the comments are appended to this report at **Appendix 3**.
- 5.15 **SCC Archaeology** – No objection. The site has already been subject to a programme of archaeological assessment, evaluation and recording work. The results of this work has shown that the archaeological potential of the site is relatively low and, consequently, no further archaeological fieldwork will be required in advance of the redevelopment of the site. However, to ensure that the archaeological work previously carried out on the site is completed and archived to the required professional standard, should planning consent be granted for the development I would recommend that a planning condition is attached.

- 5.16 **SCC Environmental Health (Pollution & Safety)** – No objections, but request planning conditions relating to bonfires, hours of work, lighting, piling and extract ventilation.
- 5.17 **SCC Ecologist** – No objection raised. An ecological appraisal, based upon the earlier Extended Phase 1 Habitat Survey, has been submitted in support of the planning application. In addition to the ecological interests of the site the ecological appraisal also assesses whether there is potential for impacts on designated sites within 2km of the application site. The ecological appraisal provides a thorough assessment of the likely impacts both within and beyond the site and the proposed development will not have any adverse impacts on local biodiversity. A Construction Environmental Management Plan and an Ecological Management Plan have been submitted alongside the ecological appraisal. These documents set out a range of measures to avoid breaches of wildlife legislation that could occur during the site clearance, demolition and construction phases and propose a number of enhancements to improve biodiversity value in the longer term. These measures will safeguard biodiversity during construction and achieve longer term improvements.
- 5.18 **SCC Tree Team** - No objection - There are two Tree Preservation Orders affecting this site: The Southampton (Glen Eyre Road / Violet Road) TPO 1993 & The Southampton (Chamberlain Hall, Glen Eyre Road) TPO 2012. Following previous negotiation and site visits, this scheme is considered acceptable and there are no objections on tree grounds. The Arboricultural report and Method Statement are both comprehensive and the AMS should form part of any conditions.
- 5.19 **SCC Contaminated Land** - Regulatory Services considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by the Council indicate that the subject site is located on land known to be affected by contamination and there is the potential for these off-site hazards to present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with policies SDP1 and SDP22 of the Local Plan Review (2006) the site should be assessed for land contamination risks and remediated to ensure the long term safety of the site.
- 5.20 **SCC Training & Employment** – A Training and Skills Plan should be secured through the S.106 legal agreement.
- 5.21 **Hampshire Constabulary (HC)** – As referred to by the applicant in their Design and Access statement HC have been consulted regarding the layout of the development and associated security measures. The University have incorporated many of our recommendations into the design. HC will continue to assist the University in their aim to achieve Police 'Secured by Design' status. The Police support this application.
- 5.22 **Southern Water** – No objection raised subject to the use of the attached planning conditions and informatives. The proposal to limit the foul and surface water flows to no greater than predevelopment flows is acceptable to Southern Water. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

5.23 **EA** – No objection or conditions requested.

6.0 Planning Consideration Key Issues

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

- i. The principle of redevelopment;
- ii. The design approach & its impact on the established character;
- iii. The impact on existing and proposed residential amenity;
- iv. The quality of the proposed living environment;
- v. The level of on-site parking and its impact on highway safety; and,
- vi. The requirement for a S.106 Agreement

6.2 Principle of Development

The University currently has 20,321 full time students (a rise from 17,055 in 2003) and currently seeks to offer accommodation for some 5,300 places across 20 halls of residence (including Winchester) and other schemes. Currently there is a shortfall of about 400 bedspaces to meet this aspiration. By 2014/2015 with the provision of City Gateway (LPA ref: 12/00033/FUL), Mayflower Halls (LPA ref: 12/00675/FUL) and Chamberlain Halls (if approved) it is anticipated that the University will be able to offer 6,327 study bedspaces. This will significantly assist in reducing the demand for HMO accommodation in the City.

6.2.1 The principle of students accommodation on the site is acceptable and accords with the aims of LPR policies H13 (New Student Accommodation) and H14 (Retention of Student Accommodation). The site is, therefore, identified for the proposed use. Furthermore, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply. Whilst the site is clearly suited for the use, and an intensification of use will assist the viability of the project, further consideration of the proposals is required before it can be concluded that this scheme, and the increase in student occupation from 160 to 420 (over two phases, including Bassett House), are acceptable. There is an expectation by the planning system that an efficient use of land will be made.

6.2.2 That said, it is accepted that 356 students on one site (420 if Bassett House is included) is significant and will require robust on-site management to ensure that the ongoing management concerns raised by neighbours are properly addressed.

Design Approach & Impact on Established Character

6.3 The principle of replacing the existing building with purpose built cluster flats is supported. The proposals show a four storey development, and the planning application submission appraises the impact on the surrounding context that this increase in scale and footprint will have.

6.3.1 The application site's immediate context is defined by a mixture of buildings with differing architectural styles and scale. Two storey residential housing is found adjacent and opposite existing University halls of residences. This pattern changes at the junction of Glen Eyre Road with Chetwynd Road, where the

character is thereon defined by detached dwellings in large landscaped plots. Bassett House forms the transition between these character areas.

- 6.3.2 The precedent for buildings of a larger scale has been established by the existing halls and the Local Plan designation. The introduction of a fourth floor is not in itself harmful. Neighbours are concerned that they will be able to see the additional height and that this is harmful. The encroachment of this scale and massing closer to Glen Eyre Road is also deemed, by neighbours, to be harmful to the character.
- 6.3.3 In urban design terms the identified impact is noted, but not harmful per se. South Hill Halls marks a change in context and sets up the site for further scale without harming context. Glimpses of Glen Eyre Halls on the opposite side of the road are possible through the mature planting. Providing the replacement buildings are of a high quality, and the Glen Eyre landscaped setting is retained and enhanced (as is the case on both points), the building's visibility need not upset the pattern and rhythm within the street. A careful choice of materials will assist the building to sit within this landscaped setting. It is difficult to conclude that, therefore, given this context to say that four storeys are out of keeping when three currently exists.
- 6.3.4 Bassett House forms part of a separate planning application and for the purposes of this assessment is shown as being both retained and demolished. Either way the impact on Chetwynd Road from this phase is, to a certain degree, mitigated by this neighbouring site.
- 6.3.5 Blocks C, D and E have limited impact on Glen Eyre Road, but it will be possible to view the upper floors from the lower level of Chetwynd Drive. To a certain extent this is an existing situation and the proposed building has been designed to sit further away from the western boundary with this cul-de-sac. A betterment in visual terms is, therefore, achieved.
- 6.3.6 Further discussion of the building's form and external appearance is set out in the comments of the City Design Manager (appended at **Appendix 3**) and the conclusion is made that this is a well worked-through high-quality replacement scheme.
- 6.3.7 The neighbours' concerns regarding external light spillage can be controlled with the attached planning condition.
- 6.3.8 In summary, the proposed buildings employ a modern design solution for this site that responds to their context with the use of a singular architectural language whilst respecting the landscape setting. It is considered that the proposed materials will create a good quality development, suitable for its location. For the reasons given above, and by the Council's City Design Manager in the full response appended, the application is considered to have addressed the requirements of local and national design guidance, namely policies SDP6, SDP7, SDP8 and SDP9 as supported by the adopted Residential Design Guide SPD and the National Planning Policy Framework (2012).
- 6.4 The Impact on Existing Residential Amenity
The introduction of a cluster of four storey buildings to the south and east of existing residential property will impact on established residential amenity. An assessment is required, however, to the significance of this impact.

- 6.4.1 The separation distances between the new buildings and the retained student accommodation at South Hill are 15 metres obliquely (and no closer than the existing arrangement) increasing to 25 metres in the centre. As such, the development will not cause any significant impact to these existing student residents.
- 6.4.2 There is currently little daylight or shadow impact from the existing buildings, whilst acknowledging that the larger trees will impact upon residential amenity. Shadow diagrams showing the likely impact accompany the planning application. The nearest residential neighbours are located immediately to the south-west of the site in Chetwynd Drive, and there are glimpses of the development through the mature landscaped boundary which forms part of the site's TPO. The proposed buildings have been stepped away from this boundary (when compared with existing) resulting in betterment to these neighbours despite the increase in height created by an additional storey. The application has been assessed in terms of its impacts on daylight, sunlight and overshadowing as acceptable.
- 6.4.3 In terms of privacy there is a 40 metre front-to-front separation distance across Glen Eyre Road. Block D is set 21 metres from the boundary with Chetwynd Drive. Both boundaries are significantly landscaped. Bassett House sits between Block A and the Chetwynd Road neighbours and is a sufficient depth to mitigate against any impact from this block.
- 6.4.4 The main third party objection in relation to impacts upon existing residential amenity relates to the noise, disturbance and litter that is attributable to students returning to the site late at night. This, and the proposed intensification of use, is a material planning consideration. It is, however, considered that this type of accommodation is appropriate for this location (as per the site's LPR designation). Any noise and disturbance issues can be addressed, more appropriately, through other legislation and do not warrant a planning refusal in this instance. Whilst Hampshire Constabulary have not objected to the level of accommodation proposed it is considered necessary to ensure that there is on-site CCTV provision and a robust management plan to deal with any problems that arise on a day to day basis. This can be secured with a planning condition.
- 6.4.5 Surface water drainage problems currently exist but Southern Water have raised no objections to the proposals. The majority of the site will be retained as permeable landscaped ground with the proposed development only representing a minor increase on the existing hard-standing area. Through the provision of attenuation tanks the site surface water sewer system has a reduced surface water flow of approximately 50%, which (despite the increased occupation proposed) represents an improvement on the existing situation. Efficiencies with the foul water are also proposed with the design of modern water efficient systems. As such, the application marks an improvement to the existing situation.
- 6.4.6 External lighting details will be secured through the attached conditions. The planning application provides details (at s.13.5.3 of the Planning Statement) of the likely light scatter proposed and this has been assessed by the Environmental Health Department as acceptable. The lighting of the service cores will be secured with a planning condition, as requested by the City Design Manager.
- 6.4.7 No bar is proposed and this would require a license should it be deemed necessary in the future. At this time there would be an opportunity to comment

further without the need to impose a planning condition.

6.4.8 The other issues raised by third parties, in relation to reduce mobile phone signal and water pressure are noted (and should be directed to the providers) but do not in themselves warrant a planning refusal. The cited negative effects upon neighbouring property value is not a material planning consideration.

6.4.9 For the reasons given above the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006), which seek to protect existing residential amenity.

6.5 Living Environment

The layout of the three blocks is judged acceptable to create an attractive living environment. All room sizes are acceptable; typically, these ensuite bedrooms have a floorarea of between 13.2 and 16.4sq.m and the communal living space for each cluster flat measures between 31 and 38sq.m. Noise transfer between units can be mitigated at the Building Regulations stage. The rooms are stacked on a floor by floor basis. A minimum separation distance across the central courtyard between the rear of Blocks C and D of 20 metres has been secured, which is considered to be an acceptable relationship. Oblique angles mitigate against any direct inter-looking. The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition. Lift access is provided to serve all floors. As such, these cluster flats are considered to meet the Council's requirements for a good quality living environment.

6.5.1 In accordance with the Council's current external space standards a 41 flat scheme should be supported by some 820sq.m of amenity space that is "fit for its intended purpose" (as required by the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4). This level of provision is easily achieved by the central landscaped courtyard. Furthermore, students of the University often have good access to social and sporting groups (and the University's formal sports pitches). An off-site financial contribution towards local open space, such as the Common, is required.

6.6 Highways and Parking

The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

6.6.1 A 'car free' scheme with only limited disabled and staff parking is proposed for the development. Students will be discouraged from bringing a car to the university and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the proposed S.106 legal agreement, the proposal is considered to be acceptable given this city centre location.

6.6.2 In terms of encouraging alternative modes of transport the scheme will be supported by 174 cycle spaces (with scope for additional space) and the applicants are keen to improve the bus connectivity between the site and the Highfield Campus. With this in mind, as part of the proposed Travel Plan and S.106 requirements, it is proposed to replace the existing Unilink stop that serves the site with an on-site hub. All residents will be given a Unilink bus pass as part

of their tenancy agreement. Both proposals are welcomed.

6.6.3 In terms of highway related issues during the beginning and end of term the S.106 legal agreement makes provision for a management plan to be secured and reviewed to ensure that any traffic problems are mitigated. With this in mind it is likely that the proposed parking will be used by parents under the supervision of the University. The internal road system has been designed as a shared surface for this purpose and to enable appropriate servicing of the development.

6.6.4 Finally, some residents are concerned that the Unilink service may be re-routed along Chetwynd Road (instead of Glen Eyre Road), which is not part of the planning application for consideration. Instead, the proposals allow for bus turning to ensure that Glen Eyre Road is maintained as the principal route to and from site.

6.7 Section106 Legal Agreement

The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPG. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.

6.7.1 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7.0 Summary

This application proposes an attractive replacement development. The existing halls of residence is no longer fit for purpose. In terms of planning policy the scheme accords with the site's designation for student accommodation. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable for the reasons given in this report. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals, including its ability to achieve BREEAM 'Excellent' via the use of an on-site energy centre; current market conditions and the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the need to make efficient use of land whilst protecting the mature landscape setting which defines the character of the area. As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report despite the intensification of use.

8.0 Conclusion

The application is recommended for delegated approval to the Planning and Development Manager, subject to the completion of a Section106 legal agreement as detailed above.

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

1a-d, 2b-d, 3a, 4b, f, uu & vv, 6a, c, h, i, 7a, 8a, 9a-b

SH2 for 11/12/2012 PROW Panel

PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase including any below ground works required) shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows and their reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include the construction on-site of a sample panel of the relevant materials for approval. Development shall be implemented only in accordance with the agreed details as supported by the detailed sections shown at s.10.5.4 of the Stride Treglown Planning Design & Access Statement (September 2012) unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

04. APPROVAL CONDITION - Building Heights & Roof Plant

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. Notwithstanding the information submitted with the amended plans details of all roof plant and the measures to be taken to soundproof all plant and machinery hereby approved shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is the sooner). The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the

approved soundproofing measures have been implemented in accordance with the agreed details.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity.

05. APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan (as set out at s.10.7.3 of the of the Stride Treglow Planning Design & Access Statement (September 2012) shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of CCTV coverage with manned 24 hour security. Development be completed and maintained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety.

06. APPROVAL CONDITION – Noise Attenuation & Air Quality Mitigation

The approved development shall be implemented and completed only in accordance with the recommendations set out in the applicants 24 Acoustics Noise Assessment (dated 2nd August 2012) and Temple Air Quality Assessment (dated 30th August 2012), unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that a quality living environment is delivered.

07. APPROVAL CONDITION - Disabled Access

Lifts shall be provided in accordance with the approved plans and shall be made available for use prior to the first occupation of the student accommodation hereby approved. The approved lifts shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the approved use continues.

REASON:

In the interests of the amenities of future occupants and their visitors and in accordance with the Council's policies and practice in respect of access for disabled persons.

08. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

Notwithstanding the details provided in connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority.

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

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's peak hour traffic.

09. APPROVAL CONDITION – Strategy of Highway Works

Before the development commences the developer shall submit a strategy of highway works to the local planning authority for its agreement in writing in consultation with the highways network management team. This strategy shall include phasing, hoarding, diversion/closing of routes and a timeframe within which these works shall occur and a timetable of regular update meetings to ensure contact is maintained to keep both parties up to date with progress. Once agreed, the works shall proceed within those timescales, unless a variation is agreed in correspondence by all parties.

REASON:

To ensure that there is minimum inconvenience to highway users and that the works do not impact upon other local highway work.

10. APPROVAL CONDITION - Construction Method Statement

Notwithstanding the details submitted at s.17 of the Stride Treglown Planning Design & Access Statement (September 2012) before any building works or site preparation works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS 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; (g) details of how noise emanating from the site during construction will be mitigated and monitored; (h) measures to prevent and monitor impacts from vibration and odour; and, (j) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved CMS 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.

11. APPROVAL CONDITION - Piling Method

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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. No percussion or impact driven piling activities should take place for pre-works, foundations, or as any part of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

12. APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application no development shall take place (excluding the demolition and site preparation phase including any below ground works required) until full details of both hard and soft landscaping, landscape buffers, all car parking and the internal courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a detailed response to the Council's landscape design comments dated 20th November 2012;
- proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, and structures;
- 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;
- details of any tree pits with drainage;
- details of any proposed boundary treatment; and
- A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON:

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

13. APPROVAL CONDITION - Ecological Mitigation

The approved development shall be implemented and completed only in accordance with the recommendations set out in the Stride Treglown Planning Design & Access Statement (September 2012) as supported by the Environmental Gain Ecological Appraisal (dated 20th August 2012), the Ecological Management Plan (dated 10th July 2012) and the Construction Ecological Management Plan (dated 20th August 2012), unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

14. APPROVAL CONDITION - Sustainable Surface Water System

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable surface water drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable surface water drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20.

15. APPROVAL CONDITION – Foul & Surface Water Drainage

No development (excluding the demolition and site preparation phase and tree removal phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure satisfactory drainage provision for the area.

16. APPROVAL CONDITION – Sustainable Measures

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Excellent' against the BREEAM (2011) standard shall be submitted to the Local Planning Authority and verified in writing within 6 months from the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

REASON:

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

17. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Notwithstanding the submitted details an assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential over part L of the Building Regulations must be conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% for the residential over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority within 6 months from the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

18. APPROVAL CONDITION – Sightlines & Car Parking

The development hereby approved shall not be first occupied until car parking, access and servicing facilities related to the development shown on the approved drawings and sight lines have been provided to the vehicular access points in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. With the exception of servicing requirements all vehicles shall park only in the designated bays and not on the shared surface roads. No structure or erection exceeding 0.6m in height shall be placed within the sight lines unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users in order to meet the Council's adopted maximum parking requirements.

19. APPROVAL CONDITION - Existing Accesses

Any existing access to the site not required to serve this development shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access hereby approved.

REASON

In the interests of highway safety.

20. APPROVAL CONDITION - Refuse & Recycling Bin Storage

The approved development shall be implemented and completed only in accordance with the refuse management details provided in the Stride Treglown Planning Design & Access Statement (September 2012) at s.16.1.5 as supported by the ARUP Waste Management Plan (Rev C) (dated 7th and 28th August 2012), unless otherwise agreed in writing by the Local Planning Authority. Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. The approved refuse and recycling storage and management provisions shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

21. APPROVAL CONDITION - Cycle Storage

Cycle storage for a minimum of 174 cycles shall be provided prior to first occupation of the development in accordance with the submitted details and retained thereafter.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

22. APPROVAL CONDITION- Land Contamination investigation and remediation

Notwithstanding the submitted details 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.

23. APPROVAL CONDITION - Reuse of uncontaminated soils

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

24. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

25. APPROVAL CONDITION- Unsuspected Contamination

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

REASON:

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

26. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)

Development shall not commence (excluding the demolition and site preparation phase including any below ground works required) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

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

For information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the

roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

27. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of all archaeological and building recording works previously carried out on the site, including the issuing of reports for all phases of work for approval and the submission and acceptance of the archive for the site by Southampton City Museums Service. Archiving will be carried out in accordance with the Southampton City Council document Standards for the Creation, Compilation and Transfer of Archaeological Archives.

REASON:

To ensure that the archaeological investigation is completed.

28. APPROVAL CONDITION – Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no external telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

29. APPROVAL CONDITION – External Lighting

Details of the internal lighting serving the approved service/stair cores shall have been submitted and approved in writing by the Local Planning Authority prior to the first occupation of the development or its installation (whichever is sooner). The external lighting serving the development shall be implemented and completed only in accordance with the details provided in the Stride Treglown Planning Design & Access Statement (September 2012) at s.13.5.3, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual appearance and the amenity of residents and neighbours.

30. APPROVAL CONDITION – Tree Works

The development shall be implemented and completed only in accordance with the tree protection details provided in the Stride Treglown Planning Design & Access Statement (September 2012) at s.17.2 as supported by the approved plans listed at the end of this report and the Arboricultural Method Statement which forms Appendix 2 of the submission, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual appearance and the protection of trees.

Note(s) To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within 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). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – Adopted Version (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space
L7	The University of Southampton
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
H14	Retention fo Student Accommodation

Supplementary Planning Guidance

Car Parking SPD (Adopted September 2011)
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

Relevant Planning History

1098/V - Halls of Residence (Approved 20.11.1956)

1116/38 - Halls of Residence (Approved 17.09.1957)

1164/63 - Caretaker's Cottage (Approved 05.11.1959)

930483/W - Tank Room (Approved 11.06.1993)

12/00152/SCR - Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for the redevelopment of the site (No objection 14.02.2012)

12/00598/DPA - Prior notification for the demolition of the University of Southampton's Chamberlain Hall and Bassett House, 50 Glen Eyre Road (No objection 22.05.2012)

City Design Manager's Comments

Layout

The accommodation has been arranged imaginatively to 'place-make', something that the existing accommodation fails to do, by creating a focal amenity space at the heart of the scheme. The fine Wellingtonia tree becomes the focus for the amenity space, a vast improvement on the previous development where it was tucked to the rear of the halls. Although the proposed development is an intensification of use of the site and more visible from Glen Eyre Road, the site has the capacity to take an increase in development area without significant detriment to the woodland setting character of the site, and this is further alleviated by new landscaping to the Glenn Eyre Road boundary to help reduce the visual impact of the development.

The accommodation is divided into three blocks which follow the topography of the site creating a south west facing sun catch amenity space at the higher level, whilst retaining the relationship with the Glen Eyre Halls complex. Blocks D and E are pulled back from the original building line and roughly follow parallel with the boundary with Chetwynd Drive creating a less visually intrusive elevation to these properties. Although slightly taller in height than the original block these will appear slightly smaller due to the increased distance of their extremities.

Scale

The previous halls designed by Sir Basil Spence consist of 3/4 storey blocks laid out on the site as two very long and unrelieved arms of development joined at one end by 2 storey shared facilities with fairly bland elevational treatment. The proposal, although it has a greater footprint, breaks up the mass of development into clusters of accommodation forming distinct blocks that are articulated at the vertical circulation/entrance ways to keep the overall scale much smaller than the previous development. The length of each block is not overly long and the falling ground level helps to add interest as these blocks descend down the slope to the south. The use of timber boarding also breaks up the extent of brickwork, reducing the overall visual impact.

Appearance

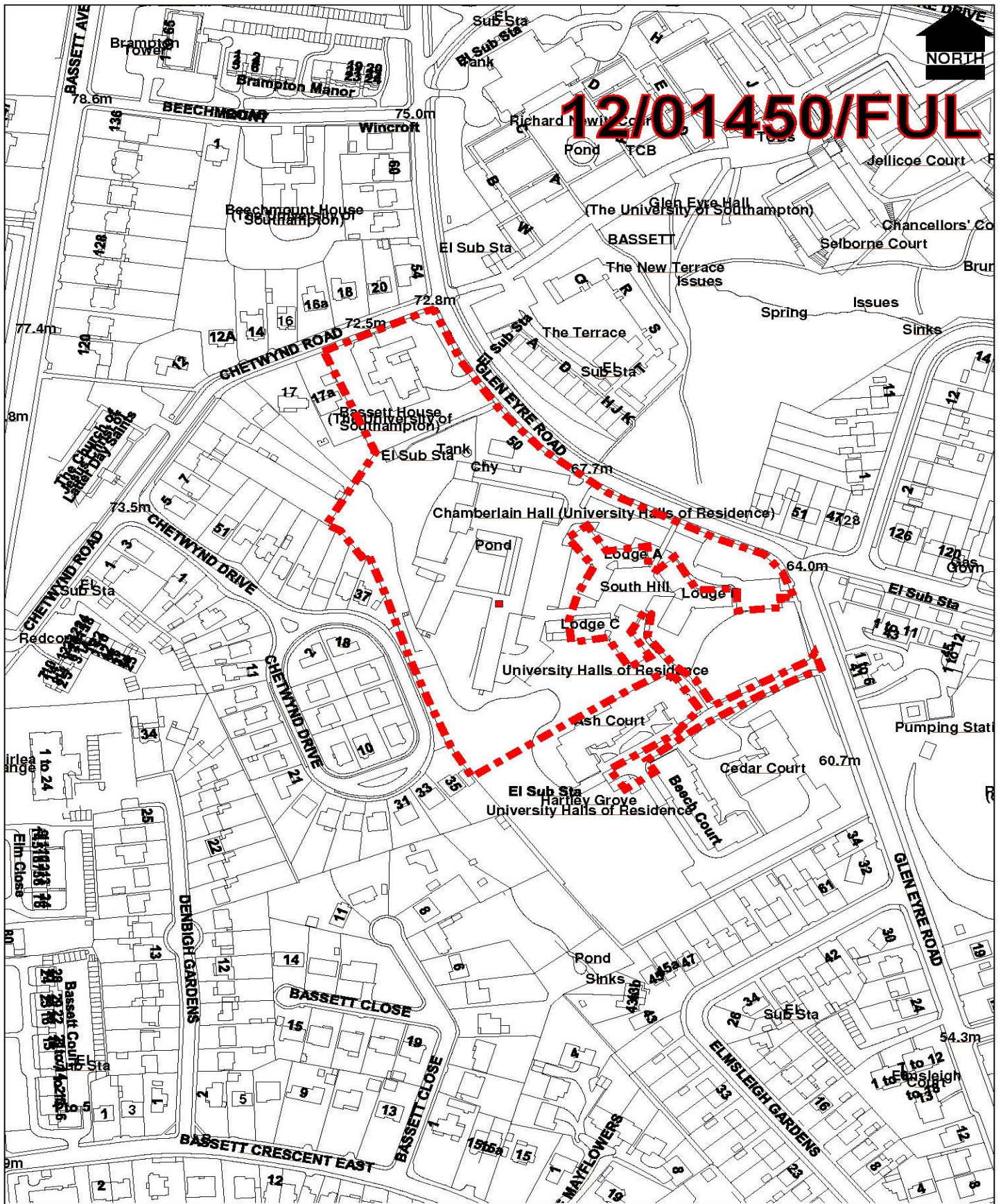
Consideration should be given to the lighting of communal areas particularly facing out towards neighbouring residential development to ensure it is designed sensitively to avoid a continuous bright lighting scheme that could be an irritation to local residents at night.

A limited pallet of materials is proposed of brick, timber cladding, zinc cladding and features to the stairwells and zinc roofs. This neutral palette of materials and colours is appropriate given the leafy suburban character of the area. The use a similar yellow stock brick to the existing is supported as it is in character with the area. The deep eaves and depth to the window reveals creates an appropriate feeling of quality, and helps to break up the scale. The detailing and specification of the timber cladding will be very important to ensure that the timber weathers well without leaving unsightly staining. It will also be important to ensure that timber cladding at ground level finishes high enough above the ground to avoid splash back staining from the ground.

Landscaping

The submission is fine, however there are a few detailed points:

1. Whilst I can see that use of Holm Oak is related to the existing site vegetation I don't feel that the number of these trees used along the Glen Eyre frontage is justified. These trees ultimately get very large and as they're evergreen will cast too great a degree of shade in the winter months. Can all but one or two of the 7 Holm Oaks along this road frontage be replaced with Lime or *Quercus robur* please.
2. Again on the Glen Eyre road frontage there is a conflict between a gas chamber and the position of one of the new trees. This needs to be resolved please.
3. Similarly there appears to be an overlap between the planting bed for the *Pinus mugo* and the bus shelters. In any case I'm not convinced that the location for these pines at the edge of a bed is appropriate.
4. As you've already correctly highlighted you'll need to replace all the Ash with another species. In relation to the Ash proposed to the NW of South Hill Campus are there any windows on this elevation of the building? If there are then I would suggest that you don't replace the Ash with another tree.
5. On a similar point I don't support the use of *Arbutus unedo* so close the buildings, given that it has a very dense evergreen canopy. I have heard that there is a smaller form called *Compacta* which you could consider, although I'm not sure exactly how much smaller it is.
6. In relation to the shrub planting I'm not convinced that the *Rosa* sp. used is always in the sunny location it requires. It should definitely be replaced in the north facing beds north (and in the shadow of) South Hill Campus, but if the designer has seen it flower freely in semi-shaded locations then I'm happy for it to remain in the other locations. An example of this would be in the ph2 area beneath the *Prunus Mume*, with which I'm not familiar. If this tree casts a dense shade then the rose beneath should be substituted for something more suited to shade.
7. Similarly the locations of Lavender should be reviewed, and it should be replaced where it is north of SH Campus building.
8. Can the designer please specify which *Cotoneaster* species is to be used in phase 1.
9. There would seem to be an error in the bulb mix. Surely it should read *Narcissus* instead of *Hemerocallis*? If so, the cultivar should also be specified.
10. I'm not convinced that the *Luzula/Carex* mix relates well to the other planting. If the designer wishes to retain this mix can she please provide photographic examples of where these shrubs have been used in amenity planting en masse (either together or separately).
11. Please confirm that all the trees along the Glen Eyre frontage bed are proposed to be 20-25cm girth or greater.



Scale : 1:2500

Date 28 November 2012

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Agenda Item 5

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: Bassett House, Chetwynd Road			
Proposed development: Redevelopment of the site to provide 8 cluster flats of student accommodation (64 bed spaces) with associated works including pedestrian, cycle and vehicular access, servicing, parking and landscaping (PHASE 2)			
Application number	12/01451/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	27.11.2012 (8 week date)	Ward	Bassett
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received.	Ward Councillors	Cllr B Harris Cllr L Harris Cllr Hannides

Applicant: University Of Southampton	Agent: Luken Beck
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. This application proposes a development of high quality buildings and offers additional student accommodation to serve the University's established needs. The principles of such proposals are in accordance with the current development plan (Local Plan policies H13 and H14 as supported by the LDF Core Strategy Policy CS11) as they seek to intensify the university's facilities. Whilst the character of the building is noted the building is not protected from demolition nor worthy of listing. As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in the report to the Planning and Rights of Way Panel on 11th December 2012. Notwithstanding the third-party objections to the proposal outlined in this report the impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals; current market conditions; the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the potential reduction in demand for converting the City's existing family housing stock into shared housing; and the requirement to make an efficient use of previously developed land. Other material considerations do not have sufficient weight to justify a refusal of the application. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 planning permission should therefore be granted in accordance with the following policies:

City of Southampton Local Plan Review (March 2006) policies SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP15, SDP22, HE6, CLT1, CLT5, L7, H2, H7, H13 and H14 and City of Southampton Core Strategy (January 2010) policies CS3, CS4, CS6, CS11, CS13, CS15, CS18, CS19, CS20, CS22, CS24 and CS25 as supported by the relevant national planning guidance and the Council's current supplementary planning guidance listed in the Panel report.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	City Design Manager's Comments		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant conditional approval subject to the completion of a S.106 legal agreement to secure the following:
 - i. Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS21 and CS25;
 - ii. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport and off-site landscaping and public realm works (including the funding of any necessary associated traffic Regulation Order) under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS18 and CS25;
 - iii. An occupation restriction to ensure that all residents are in full time higher education and that the provider is a member of the Southampton Accreditation Scheme for Student Housing (SASSH) (or equivalent) in accordance with Local Plan Policy H13(v);
 - iv. The submission and implementation of a Student Drop Off/Collection Management Plan committing to an ongoing review of the site;
 - v. Agreement of off-site construction vehicle routing;
 - vi. A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements as set out in the Local Transport Plan and appropriate SPG/D;
 - vii. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
 - viii. The submission, approval and implementation of public art that is consistent with the Council's Public Art 'Art People Places' Strategy;
 - ix. A Site Waste Management Plan;
 - x. Submission and implementation within a specified timescale of a Travel Plan, including the provision of UNilink bus passes to all residents;

- xi. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones. A letter to each student of the scheme explaining that students are discouraged from bringing a car to university shall be sent prior to each occupation. A restriction on car parking will be contained within the Contract for accommodation. The car parking restriction policy will be displayed at a prominent location within the scheme.
- xii. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;

In the event that the S.106 Legal Agreement is not completed within 2 months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

Background

The University of Southampton has applied to redevelop their existing Estate's office space located at Bassett House with a modern student housing scheme. This forms Phase 2 of the wider scheme and is covered by this report (LPA ref: 12/01451/FUL). This application can stand alone from the Phase 1 proposals.

The University has also applied to redevelop the existing Chamberlain Halls of Residence with a modern student housing scheme. This application forms Phase 1 of the wider scheme and is covered by a second report on this Panel agenda (LPA ref: 12/01450/FUL).

1.0 The site and its context

- 1.1 The application site holds a corner plot that is accessed from Glen Eyre Road. It provides office accommodation to the University's Estate's Department. The site sits to the north of Chamberlain Halls and on the opposite side of Glen Eyre Road from Glen Eyre Hall. The site also has Chetwynd Road frontage, although no access points currently exist.
- 1.2 This attractive two-storey detached buff brick building sits centrally in its landscaped plot with surface parking access from Glen Eyre Road set behind a boundary hedge and planting. The building dates to the mid 1850s. Prior approval has been granted for the building's safe demolition (LPA ref: 12/00598/DPA) following an enquiry to English Heritage as to the building's suitability for statutory listed status.
- 1.3 The site is relatively flat and is characterised by its landscape setting formed, partly, by the Southampton (Chamberlain Hall, Glen Eyre Road) Tree Preservation Order 2012.
- 1.4 In terms of established building heights the following heights are relevant to the consideration of this planning application:

Bassett House – 8.2 metres tall (80.24m Above Ordnance Datum)
Chamberlain Halls – Dining – 8.5 metres (76.1m AOD)
Chamberlain Halls – West Wing – 10.65 metres (76.65m AOD)
Chamberlain Halls – East Wing – 12.8 metres (76.62m AOD)
South Hill (North) – 10.6 metres (77.3m AOD)

2.0 Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site with three buildings comprising a university hall of residence, arranged as 8 townhouse 'cluster flats'.
- 2.2 The 'cluster' flats are arranged as en-suite study bedrooms with between 6 and 10 study bedrooms sharing communal living/kitchen space. In total 64 en-suite study bedrooms are proposed (4 no.6 bed and 4no.10 bedrooms). The application proposes 24hr management.
- 2.3 Typically, ensuite bedrooms have a floor area of between 10 and 11.4sq.m, and the communal living space for each cluster flat measures between 27 and 37sq.m.
- 2.4 No parking is proposed. Instead a minimum of 28 cycle parking spaces are provided. A private refuse collector will service the development.
- 2.5 The development will incorporate the following biodiversity measures:
- Wildflower planting at woodland edges;
 - Inclusion of native species within the landscaping proposals;
 - Bird and bat boxes will be installed on standard and mature tree specimens;
 - Enhanced stag beetle habitat.
- 2.6 Whilst it is anticipated that works will start on Phase 1 in early 2013 in time for the September 2014 intake there is not currently a work programme for Phase 2.
- 2.7 The Buildings
Phase 2 comprises 3 buildings of two and three storey design forming a central amenity space wrapped by development.
- 2.8 **Block F** is the rectangular block nearest Chetwynd Road and has been designed with two storeys and a pitched roof. The principal elevation faces into the site with restricted northerly views across Chetwynd Road. The building itself has a height of 7 metres to its ridge (5.4 metres to its eaves) which equates to 80m Above Ordnance Datum (AOD). This building sits further back from Chetwynd Road than the existing Bassett House and leaves approximately 10 metres between it and the back of pavement.
- 2.9 **Block G/H** is also a rectangular building. It fronts Glen Eyre Road and sits largely on the existing surface car parking to the front of Bassett House. The building has been designed with three storeys and measures 25 metres in length with a finished height of 10.5 metres (82.5m AOD) albeit 8.5 metres to eaves level.
- 2.10 **Block J** runs parallel with the site's western boundary and is located some 13 metres from the common boundary with 17a Chetwynd Road. The principal elevation faces into the site with restricted westerly views across towards this neighbour. The building itself has a two storey design with a finished ridge height

of 7 metres (5.4 metres to its eaves) which equates to 80m AOD.

2.11 A modern palette of materials is proposed for all three buildings including buff brick, zinc cladding to stairwells, timber boarding with grey powder coated aluminium windows, and louvres at roof level. The applicants have confirmed that a materials sample panel board will be available at the Panel meeting.

2.12 External Space

No private amenity space is provided for the residents per se. Instead all flats have access to the external courtyard and landscaped setting that provides a large, attractive and useable outdoor space.

2.13 The site is located in Flood Zone 1 where the main floodrisk management issue identified will be surface water runoff and drainage.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the 'saved' policies of the City of Southampton Local Plan Review (LPR) (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site forms part of the University's designated area for Halls of Residence (LPR Policy H14 refers) where permission will be granted, in principle, for redevelopment. Such uses are protected from redevelopment by this policy.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. The development is committed to achieving an 'Excellent' BREEAM rating.

4.0 Relevant Planning History

4.1 The site's limited planning history is summarised at **Appendix 2**.

5.0 Consultation Responses and Notification Representations

5.1 In line with Council recommendations for major development the applicants undertook their own public consultation event prior to lodging their formal planning application. This included two public drop-in sessions on 20/21 January 2012 where four options were presented. The second exhibition was held on 30/31 March.

5.2 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (18.10.2012).

5.3 At the time of writing the report **16 representations** have been received from

surrounding residents, including an objection from Ward Cllrs Hannides and B Harris and the East Bassett Residents Association (EBRA).

5.4 EBRA comment that:

- Residents were expecting to be able to comment further ahead of formal submission;
- Over-intensive use of the site which is out of character with adjoining property;
- Increased noise and disturbance throughout the day and night;
- Light pollution will increase (including security lighting);
- Increased litter;
- Blocks F and J will result in a loss of privacy;
- Blocks G & H should be restricted to 2 storeys;
- Precedent for more high density proposals;
- Firm assurances are needed that the WWII pillbox will be retained as part of these proposals.

5.5 Third Party Comment

The following planning-related issues are raised by neighbours and addressed in the 'Planning Considerations' of this report:

- The demolition of this attractive building is disappointing/unacceptable. This building has been independently assessed on behalf of neighbours and should be locally listed, if not listed. It is a heritage asset;
- Inadequate dialogue with residents by the University;
- 3 storey development along Glen Eyre Road is too tall, imposing, too close to the road and out of character with the area (contrary to the NPPF) in terms of appearance, bulk and height. This will be particularly visible;
- Bland design with poor fenestration detailing that doesn't respect the context;
- Intensification of use proposed (from 160-420 students) cannot be sustained;
- The Cedar tree at Bassett House should be preserved at all costs. The proposed works will damage its roots and overall integrity;
- Increased noise, litter and disturbance throughout the day and night. Furthermore, windows adjacent to neighbours should be fixed shut so as to avoid noise transfer;
- Increased pressure on roadside parking (especially as the post-graduates that will occupy the development are more likely to own a car) and local drainage;
- Lack of sewerage capacity;
- The area already suffers from low water pressure and drainage problems;
- Blocks G & H should be restricted to 2 storeys;
- There is a discrepancy on the submitted drawings regarding labelling which affects the accuracy of the proposed sections. The tree cover on the montages has been exaggerated;
- The planting on the site boundary should be protected during the construction phase. Planting along the northern boundary should be substantially improved with additional mature planting. The overall planting proposals are grossly inadequate;
- Loss of amenity (increased overshadowing, interference of views and loss of winter sunlight, increased overlooking to neighbours on the opposite side of Chetwynd Road, and light pollution). The noise and vibration from the plant louvers should be explained in more detail – they effectively add a further storey in height to the building;
- The extent of tree loss proposed is unacceptable;
- Conditions are requested to restrict the use of the external spaces and the

- provision of a bar;
- The retention of the WWII pill box is welcomed
- Loss of property value

5.6 **Consultee Comment**

SCC Highways – No objection subject to planning conditions. This area is established as a hub for student activity. The University has a robust travel plan which has been recently updated and deters students from bringing cars to site.

5.7 The University has a well practiced plan for student arrival and departure days, and the operation of this site has been reviewed and has been shown to be able to handle the numbers of students who arrive and leave at the beginning and end of term. Pedestrian student movements have been carefully considered for both this site and the halls opposite, and routes have been created through the campus to encourage movement through these areas.

5.8 A crossing point is highlighted to cross Glenn Eyre Road, and there is a proposal to provide a puffin traffic light controlled crossing here. However, the Stage One Design safety audit has highlighted a number of issues which could impact on the mature trees in the near vicinity of the crossing, and with the councils officers own opinions of the lack of demand for a controlled crossing here, there may be alternatives which can be provided which will give safe crossing facilities for the students whilst not impacting on the leafy nature of the area.

5.9 Cycle parking provision is above the level of cycle usage estimated by the University, but should the demand for cycle parking increase significantly above their predictions, there is scope to increase the provision of cycle parking by using a 2 tier storage system. Recognised cycle routes link this site with the main campus and links into the city centre and other places of interest in the area. Refuse collection will be via convenient access from the roadside, and will be managed by the University within the site.

5.10 **SCC Heritage Team** – This Department tried to persuade English Heritage to add the building to the National List. In the opinion of EH the building was not of national significance. I am aware of the recommendation made by RMA to add the building to the Local List. The building is an undesignated heritage asset as defined in the recent National Planning Policy Framework; however I am not persuaded that adding the building to the Local List would serve, or would have served, any purpose. The Local List is non-statutory and in itself conveys limited powers to a Local Authority. Essentially it highlights the contribution a building makes to a local area, In the case of Bassett House, given the decision by English Heritage and the receipt of the notification of intent to demolish the building (12/00598/DPA), simply placing the building on the Local List would not have enabled the Authority to successfully oppose demolition. While the Adopted Local Plan contains a policy that states that the Council will oppose the demolition of Locally Listed buildings, it also acknowledges that the non-statutory nature of the List can make such opposition impossible. It states '*If the loss of such a building is unable to be resisted because of the lack of statutory listing, then adequate provision must be made to secure the recording of the building or its affected parts.*' In the case of Bassett House the developers have commissioned a complete record of the building, including a historical analysis.

5.11 **SCC Sustainability** - The development is designed to meet BREEAM Excellent

and conditions are recommended. However there is disappointment that a comprehensive sustainable drainage system (SuDS) has not been included as the development would be particularly suited to incorporate landscape based features. It is stated that Southern Water have said that the site is not suitable for SuDS. However all sites should be capable of using some form of SuDS, for example source control measures such as rainwater harvesting and green roofs. It is recommended that this is reassessed and measures incorporated at the planning application stage as if not assessed at the outset, opportunities to manage runoff will be missed. It is also recommended that the applicant investigates the feasibility of incorporating interactive displays showing students what energy or water they are using, enabling them to compare their energy use against their neighbours in real-time, as suggested in pre-application comments.

- 5.12 **SCC Flood Risk Management Officer** - It is not up to Southern Water to determine if SUDS are, or are not, suitable. There is the potential to implement a substantial 'proper' SuDS system within the landscaped area. Although the University are proposing to implement an attenuation tank this option is not truly sustainable. Officers have had a look at the historic flooding records for this location and there appear to be a number of sewer issues (foul & surface water) but particularly surface water flooding that has occurred 'downstream' of this site. It's not just the Southern Water sewer system that needs to be considered as the runoff from these areas are eventually discharged into a small stream so it is imperative that additional runoff is not created which could increase flows further within the channel.
- 5.13 **SCC City Design Manager** – Support given. A full copy of the comments are appended to this report at **Appendix 3**.
- 5.14 **SCC Archaeology** – No objection. The site has already been subject to a programme of archaeological assessment, evaluation and recording work. The results of this work has shown that the archaeological potential of the site is relatively low and, consequently, no further archaeological fieldwork will be required in advance of the redevelopment of the site. However, to ensure that the archaeological work previously carried out on the site is completed and archived to the required professional standard, should planning consent be granted for the development I would recommend that a planning condition is attached.
- 5.15 **SCC Environmental Health (Pollution & Safety)** – No objections, but request planning conditions relating to bonfires, hours of work, lighting, piling and extract ventilation.
- 5.16 **SCC Ecologist** – No objection raised. An ecological appraisal, based upon the earlier Extended Phase 1 Habitat Survey, has been submitted in support of the planning application. In addition to the ecological interests of the site the ecological appraisal also assesses whether there is potential for impacts on designated sites within 2km of the application site. The ecological appraisal provides a thorough assessment of the likely impacts both within and beyond the site and the proposed development will not have any adverse impacts on local biodiversity. A Construction Environmental Management Plan and an Ecological Management Plan have been submitted alongside the ecological appraisal. These documents set out a range of measures to avoid breaches of wildlife legislation that could occur during the site clearance, demolition and construction phases and propose a number of enhancements to improve biodiversity value in

the longer term. These measures will safeguard biodiversity during construction and achieve longer term improvements.

- 5.17 **SCC Tree Team** - No objection - There are two Tree Preservation Orders affecting this site: The Southampton (Glen Eyre Road / Violet Road) TPO 1993 & The Southampton (Chamberlain Hall, Glen Eyre Road) TPO 2012. Following previous negotiation and site visits, this scheme is considered acceptable and there are no objections on tree grounds. The Arboricultural report and Method Statement are both comprehensive and the AMS should form part of any conditions.
- 5.18 **SCC Contaminated Land** - Regulatory Services considers the proposed land use as being sensitive to the affects of land contamination. Records maintained by the Council indicate that the subject site is located on land known to be affected by contamination and there is the potential for these off-site hazards to present a risk to the proposed end use, workers involved in construction and the wider environment. Therefore, to ensure compliance with policies SDP1 and SDP22 of the Local Plan Review (2006) the site should be assessed for land contamination risks and remediated to ensure the long term safety of the site.
- 5.19 **SCC Training & Employment** – A Training and Skills Plan should be secured through the S.106 legal agreement.
- 5.20 **City of Southampton Society** – Support
- 5.21 **Southern Water** – No objection raised subject to the use of the attached planning conditions and informatives.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- i. The principle of redevelopment;
 - ii. The design approach & its impact on the established character;
 - iii. The impact on existing and proposed residential amenity;
 - iv. The quality of the proposed living environment;
 - v. The level of on-site parking and its impact on highway safety; and,
 - vi. The requirement for a S.106 Agreement
- 6.2 Principle of Development
The University currently has 20,321 full time students (a rise from 17,055 in 2003) and currently seeks to offer accommodation for some 5,300 places across 20 halls of residence (including Winchester) and other schemes. Currently there is a shortfall of about 400 bedspaces to meet this aspiration. By 2014/2015 with the provision of City Gateway (LPA ref: 12/00033/FUL), Mayflower Halls (LPA ref: 12/00675/FUL) and Chamberlain Halls (Phases 1 and 2 if approved) it is anticipated that the University will be able to offer 6,327 study bedspaces. This will significantly assist in reducing the demand for HMO accommodation.
- 6.2.1 The principle of students accommodation on the site is acceptable and accords with the aims of LPR policies H13 (New Student Accommodation) and H14 (Retention of Student Accommodation). The site is currently used as University office space, but this use is not protected. Instead the land falls with the Policy

H14 designation which seeks to resist the loss of existing student accommodation. That said, the provision of purpose built student accommodation reduces the pressure, in part, on the City's existing family housing stock to be converted to housing in multiple occupation. Policy H13 requires such housing to be restricted by a planning condition or an appropriate legal agreement. Where this is accepted the Council's normal affordable housing requirements do not apply. Whilst the site is suited for the use further consideration of the proposals is required before it can be concluded that this scheme, and the increase in student occupation from 160 to 420 (over two phases, including Bassett House which yields itself 64 bed spaces), are acceptable. There is an expectation by the planning system that an efficient use of land will be made.

- 6.2.2 It is accepted that an additional 64 students on one site (420 if Chamberlain Halls is included) is significant and will require robust on-site management to ensure that the ongoing concerns raised by neighbours are properly addressed.
- 6.3 Design Approach & Impact on Established Character
The principle of replacing the existing building with purpose built cluster flats is supported. Whilst Bassett House is an attractive building, and a conversion scheme would also be supported, the building is not listed or worthy of listing for the reasons given by the Council's Heritage Team. The planning system therefore allows for its demolition; the method for which has been agreed with the Council (LPA ref: 12/00598/DPA). A 'local' listing wouldn't protect it from demolition in any event.
- 6.3.1 The redevelopment proposals show a two and three storey development, and the planning application submission appraises the impact on the surrounding context that this increase in scale and footprint will have.
- 6.3.2 The application site's immediate context is defined by a mixture of buildings with differing architectural styles and scale. The character around the junction of Glen Eyre Road with Chetwynd Road is defined by detached dwellings in large landscaped plots. Bassett House forms the transition between this character area and the built form of the existing halls of residence to the south and east.
- 6.3.3 Neighbours are concerned that they will be able to see the additional height and that this is, in itself, harmful. The encroachment of this scale and massing closer to Glen Eyre Road is also deemed, by neighbours, to be harmful to the character of the area.
- 6.3.4 In urban design terms the identified impact is noted, but not harmful per se. Blocks F and J have been designed as two storey replacements, which is compatible with the existing scale along Chetwynd Road. A modern design solution is, whilst not to everyone's taste, also deemed appropriate due to the type of accommodation of offer, the retention of setbacks from the street frontages and the existence of an existing landscaped boundary which will be further strengthened. Providing the replacement buildings are of a high quality, and the Glen Eyre landscaped setting is retained and enhanced (as is the case on both points) the building's visibility need not upset the pattern and rhythm within the street. A careful choice of materials will assist the building to sit within this landscaped setting. It is difficult to conclude that, given this context, two storeys (Blocks F and J) is out of keeping with Chetwynd Road, nor that Glen Eyre Road cannot take a three storey development (Blocks G and H) when three currently

exists further to the south of Bassett House. If Chamberlian Halls Phase 1 is approved there will be a four storey neighbour to Blocks G and H.

6.3.5 Further discussion of the building's form and external appearance is set out in the comments of the City Design Manager (appended at **Appendix 3**) and the conclusion is made that this is a well worked-through high-quality replacement scheme.

6.3.6 The neighbours' concerns regarding external light spillage can be controlled with the attached planning condition.

6.3.7 In summary, the proposed buildings employ a modern design solution for this site that is considered to respond to their context with the use of a singular architectural language whilst respecting the landscape setting. It is considered that the proposed materials will create a good quality development that is suitable for its location. For the reasons given above, and by the Council's City Design Manager in the full response appended, the application is considered to have addressed the requirements of local and national design guidance, namely policies SDP6, SDP7, SDP8 and SDP9 as supported by the adopted Residential Design Guide SPD and the National Planning Policy Framework (2012).

6.4 The Impact on Existing Residential Amenity

The introduction of a cluster of two and three storey buildings to the south and east of existing residential property will impact on established residential amenity. An assessment is required, however, to the significance of this impact.

6.4.1 The separation distances between the rear of Block J and side of the neighbour at 17a Chetwynd Road (to the west) measures 15 metres. As such, and given the mature planting that exists along the common boundary, the development will not cause any significant impact to these existing neighbours. Block F steps forward of this neighbour, but to a lesser extent than Bassett House does currently. This difference in setback is not prominent due to the landscaped setting. The separation distance between Block F and the neighbours opposite (16a-20 across the road) is approximately 30 metres. In both cases where these blocks have residential neighbours the elevations have been designed with limited outlook so as to mitigate against any perceived or actual overlooking and loss of privacy. In both cases there is no harm caused to established residential amenity.

6.4.2 There is currently little daylight or shadow impact from the existing buildings, whilst acknowledging that the larger trees do impact upon residential amenity whilst providing a pleasant outlook. Shadow diagrams showing the likely impact of the development accompany the planning application. Due to the siting of the building within the centre of the plot any impact will be negligible.

6.4.3 The application has, therefore, been assessed in terms of its impacts on daylight, sunlight and overshadowing as acceptable.

6.4.4 The main third party objection in relation to impacts upon existing residential amenity relates to the noise, disturbance and litter that is attributable to students returning to the site late at night. This, and the proposed intensification of use, is a material planning consideration. It is, however, considered that this type of accommodation is appropriate for this location. Any noise and disturbance issues can be addressed, more appropriately, through other legislation and do not

warrant a planning refusal in this instance. Whilst Hampshire Constabulary have not objected to the level of accommodation proposed it is considered necessary to ensure that there is on-site CCTV provision and a robust management plan to deal with any problems that arise on a day to day basis. This can be secured with a planning condition.

- 6.4.5 Surface water drainage problems currently exist but Southern Water has raised no objections to the proposals. The majority of the site will be retained as permeable landscaped ground with the proposed development only representing a minor increase on the existing hard-standing area.
- 6.4.6 External lighting details will be secured through the attached conditions. The planning application provides details (at s.13.5.3 of the Planning Statement) of the likely light scatter proposed and this has been assessed by the Environmental Health Department as acceptable. The lighting of the service cores will be secured with a planning condition, as requested by the City Design Manager.
- 6.4.7 No bar is proposed and this would require a license should it be deemed necessary in the future. At this time there would be an opportunity to comment further without the need to impose a planning condition.
- 6.4.8 The other issues raised by third parties, in relation to reduce mobile phone signal and water pressure are noted (and should be directed to the providers) but do not in themselves warrant a planning refusal. The cited negative effects upon neighbouring property value is not a material planning consideration.
- 6.4.9 For the reasons given above the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v), as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006), which seek to protect existing residential amenity.

6.5 Living Environment

The layout of the three blocks is judged acceptable to create an attractive living environment. All room sizes are acceptable; typically, these ensuite bedrooms have a floorarea of between 10 and 11.4sq.m, and the communal living space for each cluster flat measures between 27 and 37sq.m.. Noise transfer between units can be mitigated at the Building Regulations stage. A minimum front-to-front separation distance across the central courtyard between Blocks J and G of 13-14 metres has been secured. This is below the privacy distance recommendation of 21 metres as set out in the RDG, but is considered to be an acceptable relationship in this instance as oblique angles and the careful arrangement of rooms largely mitigates against any direct inter-looking. The buildings have safe and convenient access to integral bin and cycle storage, which can be secured with a planning condition. As such, these cluster flats are considered to meet the Council's requirements for a good quality living environment.

- 6.5.1 In accordance with the Council's current external space standards an 8 flat scheme should be supported by some 160sq.m of amenity space that is "fit for its intended purpose" (as required by the Council's approved Residential Design Guide SPD (2006); namely paragraph 2.3.14 and section 4.4). This level of provision is easily achieved by the central landscaped courtyard. Furthermore, students of the University often have good access to social and sporting groups

(and the University's formal sports pitches). An off-site financial contribution towards local open space, such as the Common, is required.

6.6 Highways and Parking

The Local Plan aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling.

6.6.1 A 'car free' scheme is proposed for the development. Students will be discouraged from bringing a car to the university and nearby parking is all restricted. Providing that no resident obtains a permit to park in one of the nearby Controlled Parking Zones, as secured through the proposed S.106 legal agreement, the proposal is considered to be acceptable given this city centre location.

6.6.2 In terms of encouraging alternative modes of transport the scheme will be supported by 28 cycle spaces (with scope for additional space) and the applicants are keen to improve the bus connectivity between the site and the Highfield Campus. All residents will be given a Unilink bus pass as part of their tenancy agreement.

6.6.3 In terms of highway related issues during the beginning and end of term the S.106 legal agreement makes provision for a management plan to be secured and reviewed to ensure that any traffic problems are mitigated. The internal road system has been designed as a shared surface for this purpose and to enable appropriate servicing of the development.

6.7 Section106 Legal Agreement

The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPG. Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application.

6.7.1 A development of this scale would normally trigger the need for 20% affordable housing in accordance with Core Strategy Policy CS15. However, as the proposal is for student accommodation no affordable housing requirement is required. The S.106 legal agreement would include a restriction that occupiers of the flats would be in full time higher education in accordance with Local Plan Review Policy H13(v).

7.0 Summary

This application proposes an attractive replacement development. The existing building sits well within its context, but is not protected from demolition and is not worthy of statutory listing. In terms of planning policy the scheme accords with the site's designation for student accommodation. The impact of the development, in terms of visual and neighbouring amenity, highway safety and parking is considered to be acceptable for the reasons given in this report. In reaching this conclusion, as to the acceptability of the development, particular account has also been taken of the third party response to the scheme; the quality of the proposed redevelopment proposals, including its ability to achieve BREEAM 'Excellent'; current market conditions and the economic regeneration benefits that will accrue as a result of the redevelopment proposals; the need for student housing and the

potential reduction in demand for converting the City's existing family housing stock into shared housing; and the need to make efficient use of land whilst protecting the mature landscape setting which defines the character of the area. As such, the development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report despite the intensification of use.

8.0 Conclusion

The application is recommended for delegated approval to the Planning and Development Manager, subject to the completion of a Section 106 legal agreement as detailed above.

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

1a-d, 2b-d, 3a, 4b, f, uu & vv, 6a, c, h, i, 7a, 8a, 9a-b

SH2 for 11/12/2012 PROW Panel

PLANNING CONDITIONS to include:

01. APPROVAL CONDITION - Implementation Commencement

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

REASON:

In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - Details of External Materials - Samples

Notwithstanding the submission to date no work for the construction of the buildings hereby permitted (excluding the demolition and site preparation phase including any below ground works required) shall commence unless and until details and samples of the materials and finishes to be used for the external walls (and details of splashbacks where the timber boarding meets the ground), windows and their reveals, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. These details should include the construction on-site of a sample panel of the relevant materials for approval. Development shall be implemented only in accordance with the agreed details as supported by the detailed sections shown at s.10.5.4 of the Stride Treglown Planning Design & Access Statement (September 2012) unless otherwise agreed in writing by the Local Planning Authority

REASON:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

04. APPROVAL CONDITION - Building Heights & Roof Plant

There shall be no alterations to or deviations from the finished floor levels and finished building heights as detailed on the approved plans without the prior written agreement of the local planning authority. Notwithstanding the information submitted with the amended plans details of all roof plant and the measures to be taken to soundproof all plant and machinery hereby approved shall be submitted to and approved by the Local Planning Authority prior to either its installation or the occupation of each of the buildings to which the plant relates (whichever is the sooner). The development shall be implemented in accordance with the agreed details. The machinery and plant shall not be used until the approved soundproofing measures have been implemented in accordance with the agreed details.

REASON:

To ensure that the impact of the development in relation to the natural features of the site and nearby buildings is as demonstrated and in the interests of visual and neighbour amenity.

05. APPROVAL CONDITION - Security Measures

Prior to either the first occupation of the development or the installation of the details listed below (whichever is sooner) a Security Management Plan (as set out at s.10.7.3 of the Stride Treglown Planning Design & Access Statement (September 2012) shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of CCTV coverage with manned 24 hour security. Development be completed and maintained in accordance with the agreed details.

REASON:

In the interests of crime prevention and residential safety.

06. APPROVAL CONDITION – Noise Attenuation & Air Quality Mitigation

The approved development shall be implemented and completed only in accordance with the recommendations set out in the applicants 24 Acoustics Noise Assessment (dated 2nd August 2012) and Temple Air Quality Assessment (dated 30th August 2012), unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure that a quality living environment is delivered.

07. APPROVAL CONDITION - Hours of Construction & Associated Deliveries

Notwithstanding the details provided in connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of:

- 8am and 6pm Mondays to Fridays; and,
- 9am and 1pm on Saturdays.

Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority.

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

REASON:

To protect local residents from unreasonable disturbances from works connected with implementing this permission, and to ensure that construction traffic does not conflict unduly with the City's peak hour traffic.

08. APPROVAL CONDITION – Strategy of Highway Works

Before the development commences the developer shall submit a strategy of highway works to the local planning authority for its agreement in writing in consultation with the highways network management team. This strategy shall include phasing, hoarding, diversion/closing of routes and a timeframe within which these works shall occur and a timetable of regular update meetings to ensure contact is maintained to keep both parties up to date with progress. Once agreed, the works shall proceed within those timescales, unless a variation is agreed in correspondence by all parties.

REASON:

To ensure that there is minimum inconvenience to highway users and that the works do not impact upon other local highway work.

09. APPROVAL CONDITION - Construction Method Statement

Notwithstanding the details submitted at s.17 of the Stride Treglown Planning Design & Access Statement (September 2012) before any building works or site preparation works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS 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; (g) details of how noise emanating from the site during construction will be mitigated and monitored; (h) measures to prevent and monitor impacts from vibration and odour; and, (j) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved CMS 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.

10. APPROVAL CONDITION - Piling Method

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 piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority. Any pile driving operations as approved shall be carried out in accordance with that approved method statement. No percussion or impact driven piling activities should take place for pre-works, foundations, or as any part of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

11. APPROVAL CONDITION - Landscaping

Notwithstanding the information submitted with the application no development shall take place (excluding the demolition and site preparation phase including any below ground works required) until full details of both hard and soft landscaping, landscape buffers, all car parking and the internal courtyard area have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a detailed response to the Council's landscape design comments dated 20th November 2012;
- proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, and structures;
- 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;
- details of any tree pits with drainage;
- details of any proposed boundary treatment; and
- A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas.

The hard and soft landscaping works shall be carried out in accordance with the details approved. The works shall be carried out before any of the development is occupied or in accordance with a timescale which has been agreed in writing with the local planning authority prior to the commencement of development.

If within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement of it, it is removed, uprooted, destroyed, dies or becomes in any other way defective in the opinion of the local planning authority, another tree or shrub of the same species and size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON:

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

12. APPROVAL CONDITION - Ecological Mitigation

The approved development shall be implemented and completed only in accordance with the recommendations set out in the Stride Treglown Planning Design & Access Statement (September 2012) as supported by the Environmental Gain Ecological Appraisal (dated 20th August 2012), the Ecological Management Plan (dated 10th July 2012) and the Construction Ecological Management Plan (dated 20th August 2012), unless otherwise agreed in writing by the Local Planning Authority.

REASON:

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

13. APPROVAL CONDITION - Sustainable Surface Water System

Prior to development commencing (excluding the demolition and site preparation phase) details of the construction of the surface water drainage system shall be submitted to and approved in writing by the Planning Authority. The surface water drainage shall thereafter be undertaken only in accordance with the approved details. The submission shall include a feasibility study by independent consultants demonstrating the investigation and assessment of the potential for creation of a sustainable surface water drainage system on site. If the study demonstrates the site has the capacity for the implementation of a sustainable surface water drainage system, a specification shall be agreed in writing with the Local Planning Authority and fully operational prior to the first occupation of the development. It shall thereafter be retained and maintained for the benefit of the site and its users.

REASON:

To conserve valuable water resources and prevent against flood risk and to comply with policy SDP13 (vii) of the City of Southampton Local (2006) and the LDF Core Strategy Policy CS20.

14. APPROVAL CONDITION – Foul & Surface Water Drainage

No development (excluding the demolition and site preparation phase and tree removal phase) shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved measures shall be in place before first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure satisfactory drainage provision for the area.

15. APPROVAL CONDITION – Sustainable Measures

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Excellent' against the BREEAM (2011) standard shall be submitted to the Local Planning Authority and verified in writing within 6 months from the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

REASON:

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

16. APPROVAL CONDITION - Energy (Pre-Commencement Condition)

Notwithstanding the submitted details an assessment of the development's total energy demand and a feasibility study for the inclusion of renewable energy technologies on the site, or other means of improving energy efficiency that will achieve a reduction in CO2 emissions of 15% for the residential over part L of the Building Regulations must be conducted. Plans for the incorporation of renewable energy technologies or other means of improving energy efficiency to the scale that is demonstrated to be feasible by the study, and that will reduce the CO2 emissions of the development of 15% for the residential over part L of the Building Regulations must be submitted and approved in writing by the Local Planning Authority within 6 months from the commencement of the development hereby granted consent. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

REASON:

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

17. APPROVAL CONDITION – Sightlines & Car Parking

The development hereby approved shall not be first occupied until access and servicing facilities related to the development shown on the approved drawings and sight lines have been provided to the vehicular access points in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. With the exception of servicing requirements all vehicles shall park only in the designated bays and not on the shared surface roads. No structure or erection exceeding 0.6m in height shall be placed within the sight lines unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of ensuring adequate provision is made for car parking on the site and the safety and convenience of all highway users in order to meet the Council's adopted maximum parking requirements.

18. APPROVAL CONDITION - Existing Accesses

Any existing access to the site not required to serve this development shall be stopped up and abandoned and footway and verge crossings shall be reinstated immediately after completion of the new access hereby approved.

REASON

In the interests of highway safety.

19. APPROVAL CONDITION - Refuse & Recycling Bin Storage

The approved development shall be implemented and completed only in accordance with the refuse management details provided in the Stride Treglown Planning Design & Access Statement (September 2012) at s.16.1.5 as supported by the ARUP Waste Management Plan (Rev C) (dated 7th and 28th August 2012), unless otherwise agreed in writing by the Local Planning Authority. Bin storage shall be laid out with a level approach prior to the first occupation of the development hereby approved in accordance with the approved amended plans listed below. The approved refuse and recycling storage and management provisions shall be retained whilst the building is used for residential purposes.

REASON:

In the interests of the visual appearance of the building and the area in general.

20. APPROVAL CONDITION - Cycle Storage

Cycle storage for a minimum of 28 cycles shall be provided prior to first occupation of the development in accordance with the submitted details and retained thereafter.

REASON:

In the interest of the amenity of residents and to reduce reliance on the private motor car.

21. APPROVAL CONDITION- Land Contamination investigation and remediation

Notwithstanding the submitted details 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.

22. APPROVAL CONDITION - Reuse of uncontaminated soils

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

23. APPROVAL CONDITION - Contamination - Export of Soil

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 shall be submitted to the Local Planning Authority for approval prior to the first occupation of the development hereby approved.

REASON:

To ensure that no ground contamination risks to human health and the environment are introduced onto the application site.

24. APPROVAL CONDITION- Unsuspected Contamination

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

REASON:

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

25. APPROVAL CONDITION - Bird Hazard Management Plan (BHMP)

Development shall not commence (excluding the demolition and site preparation phase including any below ground works required) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat or shallow pitched roof that may be attractive to nesting, roosting and loafing birds and include details for preventing birds from perching in the window reveals. The BHMP shall comply with BAA's Advice Note 8. The BHMP shall be implemented as approved upon completion of the roof and shall remain in force for the life of the development. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

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

For information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs, ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season, gull activity must be monitored and the

roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield Operations Staff. In some instances, it may be necessary to contact BAA Airfield Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences from Natural England before the removal of nests and eggs.

26. APPROVAL CONDITION – Archaeological work programme

The developer will secure the completion of all archaeological and building recording works previously carried out on the site, including the issuing of reports for all phases of work for approval and the submission and acceptance of the archive for the site by Southampton City Museums Service. Archiving will be carried out in accordance with the Southampton City Council document Standards for the Creation, Compilation and Transfer of Archaeological Archives.

REASON:

To ensure that the archaeological investigation is completed.

27. APPROVAL CONDITION – Telecommunications PD Restriction

Notwithstanding the provisions of Schedule 2 Part 25 the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no external telecommunication equipment shall be erected or carried out to any building hereby permitted without the prior written approval of the Local Planning Authority.

REASON:

In the interests of visual amenity.

28. APPROVAL CONDITION – External Lighting

Details of the internal lighting serving the approved service/stair cores shall have been submitted and approved in writing by the Local Planning Authority prior to the first occupation of the development or its installation (whichever is sooner). The external lighting serving the development shall be implemented and completed only in accordance with the details provided in the Stride Treglown Planning Design & Access Statement (September 2012) at s.13.5.3, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual appearance and the amenity of residents and neighbours.

29. APPROVAL CONDITION – Tree Works

The development shall be implemented and completed only in accordance with the tree protection details provided in the Stride Treglown Planning Design & Access Statement (September 2012) at s.17.2 as supported by the approved plans listed at the end of this report and the Arboricultural Method Statement which forms Appendix 2 of the submission, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests of visual appearance and the protection of trees.

30. APPROVAL CONDITION – Obscured Glazing

Those windows marked as having frosted glass on the plans hereby approved shall be fitted with 'frosted glazing', with openings restricted to 100mm only, prior to the first occupation of the building to which they relate. These windows shall be retained as installed.

REASON:

In the interests of neighbouring residential amenity

31. APPROVAL CONDITION – World War II Pill Box Retention

The World War II Pill Box located on the site at the junction of Glen Eyre Road and Chetwynd Road shall be protected from damage during the construction phase and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON:

In the interests of securing its retention as per the applicant's submission and email dated 28th November 2012.

Notes To Applicant

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

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

Note to Applicant - Southern Water – Water Supply - Informative

A formal application for connection to the public water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Southern Water – Sewers - Informative

The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

Note to Applicant - Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within 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). The contact for crane issues at Southampton Airport is Iain Mc Dermott-Paine, Airside Compliance Manager telephone 02380 627173.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Economic Growth
CS11	An Educated City
CS13	Fundamentals of Design
CS15	Affordable Housing
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – Adopted Version (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form & Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP15	Air Quality
SDP22	Contaminated Land
HE6	Archaeological Remains
CLT1	Location of Development
CLT5	Open Space
L7	The University of Southampton
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
H14	Retention for Student Accommodation

Supplementary Planning Guidance

Car Parking SPD (Adopted September 2011)
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

The National Planning Policy Framework (March 2012)

Relevant Planning History

Bassett House

12/00598/DPA - Prior notification for the demolition of the University of Southampton's Chamberlain Hall and Bassett House, 50 Glen Eyre Road (No objection 22.05.2012)

Chamberlain Halls

1098/V - Halls of Residence (Approved 20.11.1956)

1116/38 - Halls of Residence (Approved 17.09.1957)

1164/63 - Caretaker's Cottage (Approved 05.11.1959)

930483/W - Tank Room (Approved 11.06.1993)

12/00152/SCR - Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for the redevelopment of the site (No objection 14.02.2012)

City Design Manager's Comments

Layout

The proposed development has been sensitively designed around a focal courtyard providing a more private amenity space for students away from the boundaries with adjoining residential development. Entrance ways are also grouped around on the courtyard focusing activity here to aid natural surveillance of the interior of the site and keeping noise away from the perimeter of the site.

Scale

The proposed development has a domestic scale reflect that of the existing building Bassett House which it does convincingly through the breaking down of the accommodation into three blocks, arranged around the courtyard with differing set backs to the adjacent boundaries, and lower overall height of the eaves and roof. Block F to the north of the courtyard has been set back from the existing building line to further reduce the impact on neighbouring properties on the north side of Chetwynd Rd. The artist's impressions indicate that the proposals will have a similar or lesser visual impact than the existing Bassett House has.

Appearance

The most sensitive elevations to the north elevation of Block F and west elevation of Block J have angled windows which prevent overlooking from student rooms of residential properties to the north and west. Other windows to the stairwells are to be frosted glass, however given that these may be fire escape stairs it is important that internal lighting is designed sensitively to avoid a continuous bright lighting scheme that could be an irritation to local residents at night.

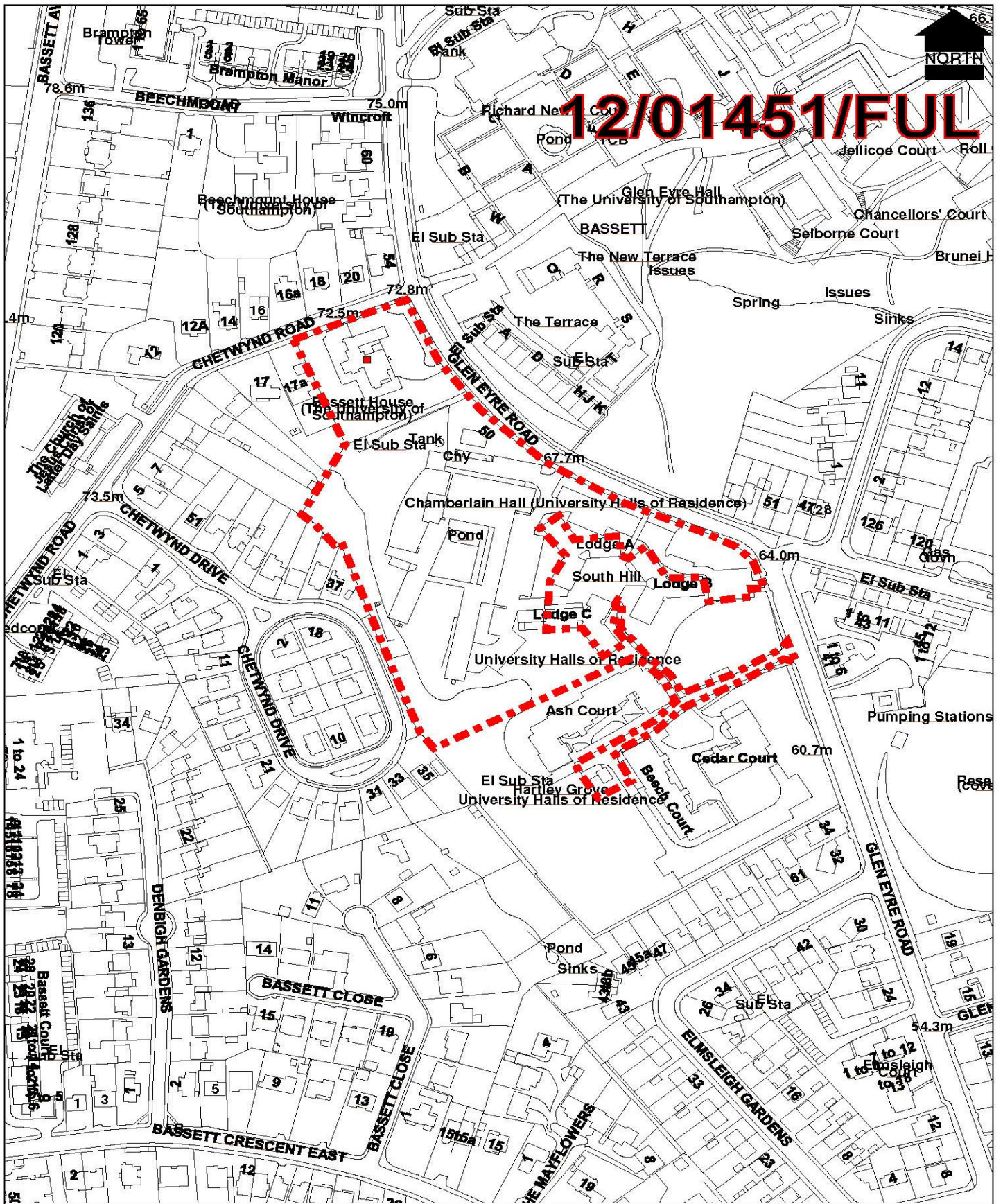
A limited pallet of materials is proposed of brick, timber cladding, zinc surrounds to feature windows and entrance porches, and a slate or zinc roofs. This neutral palette of materials and colours is appropriate given the leafy suburban character of the area. The use a similar yellow stock brick to the existing is supported as is the slate to Blocks F and J which are both in character with the area, though some timber claddings is used to break up the length of this block. Blocks G and H have a varied elevation with deep eaves that creates an appropriate feeling of quality, and helps to break up the scale. The detailing and specification of the timber cladding will be very important to ensure that the timber weathers well without leaving unsightly staining. It will also be important to ensure that timber cladding at ground level finishes high enough above the ground to avoid splash back staining from the ground.

Landscaping (relates to Phases 1 and 2)

The submission is fine, however there are a few detailed points:

1. Whilst I can see that use of Holm Oak is related to the existing site vegetation I don't feel that the number of these trees used along the Glen Eyre frontage is justified. These trees ultimately get very large and as they're evergreen will cast too great a degree of shade in the winter months. Can all but one or two of the 7 Holm Oaks along this road frontage be replaced with Lime or Quercus robur please.
2. Again on the Glen Eyre road frontage there is a conflict between a gas chamber and the position of one of the new trees. This needs to be resolved please.

3. Similarly there appears to be an overlap between the planting bed for the *Pinus mugo* and the bus shelters. In any case I'm not convinced that the location for these pines at the edge of a bed is appropriate.
4. As you've already correctly highlighted you'll need to replace all the Ash with another species. In relation to the Ash proposed to the NW of South Hill Campus are there any windows on this elevation of the building? If there are then I would suggest that you don't replace the Ash with another tree.
5. On a similar point I don't support the use of *Arbutus unedo* so close the buildings, given that it has a very dense evergreen canopy. I have heard that there is a smaller form called *Compacta* which you could consider, although I'm not sure exactly how much smaller it is.
6. In relation to the shrub planting I'm not convinced that the *Rosa* sp. used is always in the sunny location it requires. It should definitely be replaced in the north facing beds north (and in the shadow of) South Hill Campus, but if the designer has seen it flower freely in semi-shaded locations then I'm happy for it to remain in the other locations. An example of this would be in the ph2 area beneath the *Prunus Mume*, with which I'm not familiar. If this tree casts a dense shade then the rose beneath should be substituted for something more suited to shade.
7. Similarly the locations of Lavender should be reviewed, and it should be replaced where it is north of SH Campus building.
8. Can the designer please specify which *Cotoneaster* species is to be used in phase 1.
9. There would seem to be an error in the bulb mix. Surely it should read *Narcissus* instead of *Hemerocallis*? If so, the cultivar should also be specified.
10. I'm not convinced that the *Luzula/Carex* mix relates well to the other planting. If the designer wishes to retain this mix can she please provide photographic examples of where these shrubs have been used in amenity planting en masse (either together or separately).
11. Please confirm that all the trees along the Glen Eyre frontage bed are proposed to be 20-25cm girth or greater.



Scale : 1:2500

Date 28 November 2012

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Agenda Item 6

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: 31A Manor Farm Road SO18 1NN			
Proposed development: Change Of Use From Retail (Use Class A1) To Cafe (Use Class A3).			
Application number	12/01632/FUL	Application type	FUL
Case officer	Andy Amery	Public speaking time	5 minutes
Last date for determination:	18 December 2012	Ward	Bitterne Park
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr White Cllr Baillie Cllr Inglis

Applicant: Renata Pilipczuk	Agent:
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Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the existing mix and balance of uses in the Local Centre 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, REI6 and REI7 of the City of Southampton Local Plan Review (March 2006) and CS3 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application seeks to change to the use of a currently vacant former retail unit at ground floor level within a semi-detached two storey building the upper floor of which comprise a hairdressers and a residential flat.
- 1.2 The site is located within the Bitterne Triangle Local Centre close to the junction with Manor Farm Road and Bond Road. The local centre comprises a mix of retail units, hot food take-aways, cafes and other services at ground floor level with residential units above and at the rear. On-road parking is provided to the front of commercial units on the eastern side of The Triangle to serve the Local Centre. Given increasing demands for parking in the area, additional parking has in recent years been laid out along Bond Road and Cobden Bridge.

2. Proposal

- 2.1 The application seeks to change the use of a vacant former retail unit to a Cafe/Coffee shop.
- 2.2 The hours of use as applied for are 8am to 4pm Monday to Friday and 8am to 3pm on Saturdays.
- 2.3 No external alterations are sought as the existing shopfront can be retained and used.
- 2.4 An extract flue is proposed towards the rear of the building.
- 2.5 A refuse bin is shown to be located in the side passage.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4.0 Relevant Planning History

- 4.1 04/01888/FUL: Erection of a roof extension to the front and rear roof slopes

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **18** representations have been received from surrounding residents.

5.2 **SCC Highways** - Raise no objections

6.0 Planning Consideration Key Issues

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

6.2 Principle of Development

Policy REI6 states that, 'development proposals will be permitted in local centres if the use falls within A1, A2, A3, A4 or A5'.

Policy REI7 states that, 'proposals involving classes A3, A4 and A5 will be permitted in local centres provided that conditions can be imposed to prevent an adverse impact on local amenities by reason of noise and cooking smells.

Policy CS3 identifies that local centres need to be able to cater for the 'day to day' needs of the community it serves.

The proposal complies with the above policy criteria and is therefore acceptable in principle.

Conditions have been suggested that limit the opening hours, provide adequate refuse storage and handle cooking odours.

6.3 Impact on other local traders and the Local Centre

It should be noted that the impact on the trading levels of similar uses is a matter for the free market to determine rather than the planning system.

It is the role of the planning system to ensure policies and decision making facilitate the maintenance of a healthy mix of uses which support the day to day needs of the local community.

The Local Centre currently provides a wide range of commercial uses of which A1 retail remains the largest single use group complemented by a mix of other services and uses including cafes, restaurants, beauty treatment, dentist, funeral director, hot food take aways and estate agents.

The introduction of a further cafe use will not unduly affect this balance and will have the positive impact of bringing a vacant unit back into use.

6.3.1 Parking

Parking to serve the Local Centre is provided along Manor Farm Road, Bond Road and Cobden Bridge. Typically units do not have their own parking spaces for customers.

6.3.2 Other amenity issues

Conditions can be imposed to minimise the impact of the change of use on local amenity and includes controlling opening hours, refuse storage and systems to manage cooking odours.

7.0 Summary

7.1 The use is compliant with the range of uses stated as being appropriate for a local centre. The local centre retains a healthy mix of uses which continues to serve the day to day needs of the local community. Competition for trade between similar uses is a matter for the free market to dictate not the planning system. The use of the ground floor unit will bring back into use a unit that has been empty for almost a year to be benefit of the character and visual quality of the local centre.

8.0 Conclusion

The proposed change of use to a cafe is compliant with the existing policies for development in Local Centres and with appropriate conditions controlling the hours of use, refuse storage and extract equipment for cooking odours no harm will be caused to the character and amenity of the area.

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

AA for 11/12/12 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

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

Reason:

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

02. APPROVAL CONDITION - Hours of Use - food/drink establishments [Performance Condition]

The A3 cafe use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:
Monday to Saturday: 0730 hours to 22.00 hours (7.30am to 10.00pm)
Sunday and recognised public holidays: 11.00 hours to 22.00 hours (11.00am to 10.00pm)

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

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

03. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

No commercial cooking shall take place unless and until the approved extract ventilation system including the external flue required to mitigate the fumes and odours from the cooking process has been fully installed and operated in full working order.

Reason:

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

04. APPROVAL CONDITION - Refuse - on site storage [Performance Condition]

Provision shall be made within the site for the adequate storage prior to disposal of all refuse associated with the site. Except for collection day no refuse shall be stored to the front of the building or on the shared path at the side of the building.

Reason:

In the interests of the visual amenities of the surrounding area.

05. APPROVAL CONDITION - Approved Plans

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

Reason:

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

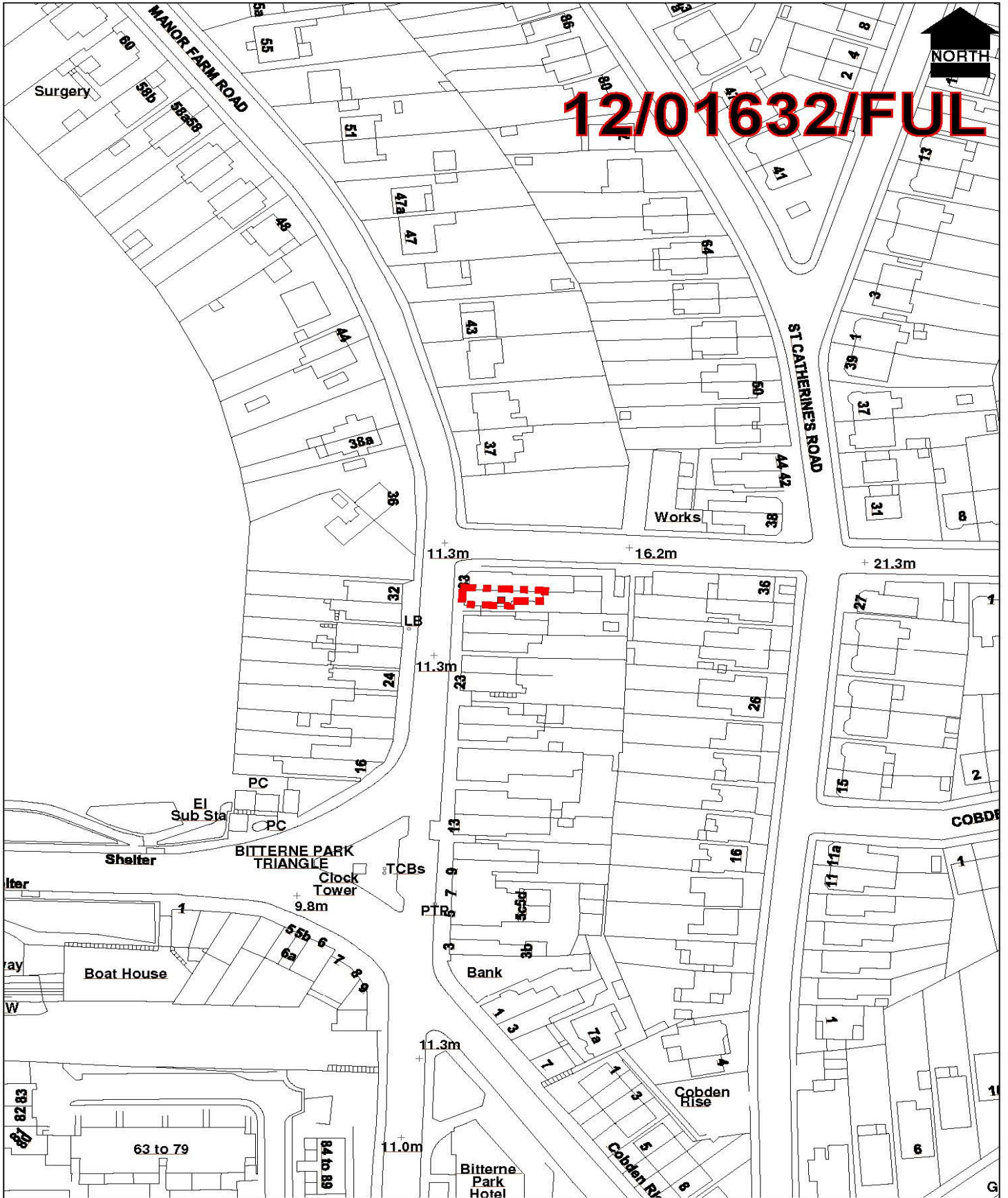
POLICY CONTEXT

Core Strategy - (January 2010)

CS3 Promoting Successful Places
CS13 Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

SDP1 Quality of Development
REI6 Local Centres
REI7 Food and Drink Uses (Classes A3, A4 and A5)



Scale : 1:1250

Date 28 November 2012

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Agenda Item 7

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager

Application address: Park Hotel, 90 Shirley Road			
Proposed development: Erection of two-storey extensions to both sides of the building and conversion to provide 11 Flats (7 x one bedroom and 4 x two bedroom) with associated parking and storage facilities.			
Application number	12/01482/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	15 minutes
Last date for determination:	31/12/2012	Ward	Freemantle
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Parnell Cllr Shields Cllr Moulton

Applicant: Orchard Homes Ltd	Agent: Tony Oldfield Architects
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the impact on the character of the non-designated heritage asset, surrounding character and amenity, along with the living environment provided for the residents and lack of the inclusion of family dwellings, have been considered and are not judged to have sufficient weight to justify a refusal of the application. 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, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, H1, H2, H5 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20, CS22 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. Financial contributions towards site specific highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended); Amenity Open Space (“open space”); Playing Field; and children’s play space.
 - iv. The provision of affordable housing in accordance with policies CS15, CS16 and CS25 of the Local Development Framework Core Strategy Development Plan Document and the Planning Obligations Supplementary Planning Guidance;
 - v. 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.
- 2) In the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 - 3) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement and to remove, vary or add conditions as necessary.

1. The site and its context

- 1.1 The site is located on the corner of Shirley Road and Sir George’s Road. Shirley Road provides excellent transport links to the city centre and also provides a route out of the city to the North West. Throughout the day there is a large amount of traffic movement along Shirley Road.
- 1.2 The site is currently occupied by a vacant Public House named The Park Hotel. The current building makes a positive contribution to the streetscape.
- 1.3 The surrounding area to the site is mixed use, but predominantly residential, comprising a mix of terraced houses, semi-detached houses, flats (on the opposite side of Shirley Road), shops (car sales, general store, funeral office) and shops currently under renovation adjacent to the site again on Shirley Road.
- 1.4 The surrounding houses and shops are generally two storeys high with pitched roofs; however there are also a number of three storey blocks of flats within the immediate locality. Materially the character of the area is comprised of redbrick and white / pale render with grey or brown interlocking tiles / slates on the roof.
- 1.5 Controlled Parking Zone 8 is in operation along Sir George’s Road. The parking restriction in place only allows permit holders to park on the road between 8am and 6pm Monday - Saturday. Otherwise non-permit holders are allowed to park on the

street during those times stated for only one hour with no return within 2 hours.

2. Proposal

- 2.1 The proposal would result in the incorporation of 11 residential units within the existing and extended elements of the building occupying the site. The scheme seeks to provide a mixture of residential unit types, seven one bed flats and four two bed flats, along with associated refuse and cycle parking facilities. The proposal does not provide a family unit (defined as a unit with three bedrooms and direct access to private amenity space).
- 2.2 Two vehicular parking spaces are also provided. Amenity space in the form of small private balconies for two of the units and a shared garden space will be available.
- 2.3 The existing building would be retained, improved and extended. The additions to the existing building extend across the two road frontages of Shirley Road and Sir Georges Road. Fronting Shirley Road there would be a first floor extension over the single storey element of the host building and a single storey element to the north adjacent to the neighbour at 92 Shirley Road. Addressing Sir Georges Road there would be an extension towards the neighbour at number 1. The extension will be two storeys in height and formed of two visually different sections.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27 March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

4. Relevant Planning History

- 4.1 The building first appears on the 1869 map and is extended into its present form by 1897. 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 11/10/2012 and erecting a site notice 08/10/2012. At the time of writing the report 9 representations have been received from surrounding residents/interested bodies including a local ward councillor and a local residents group.
- 5.2 Three letters of support have been provided. The remaining six letters have raised

the following objections to the scheme:

- 5.3 **Concerns raised in respect of the potential additional number of vehicles which would be parked in Sir George's Road. The number of people trying to park in the street may cause increased tension and friction. The amenity space could be used as a mixed amenity/parking area.**

Response

The new flats may well impose some additional parking pressure on Sir Georges Road. The replacement of the amenity space within the site by a parking area is not practical. As a consequence the quality of the residential environment proposed for the occupants is likely to be reduced. Whilst car ownership cannot be predicted with accuracy it is noteworthy that the site is located within a high accessibility area where car ownership is not necessary to access shops and amenities associated with Town/City Centres. Whilst the car parking situation is acknowledged the positive aspects of the proposal outweigh the negative.

- 5.4 **No consideration has been given to the relationship between the proposed extension and number 1 Sir Georges Road although there has been a reduction to the width of the building at first floor to reduce the impact on number 92 Shirley Road.**

Response

The mass of the first floor has been reduced since the original submission to improve the definition between the two buildings which has improved the street scene. The relationship between the extended section of the building and the neighbour at number 1 Sir Georges Road is considered typical of separation distances between buildings along Sir Georges Road and in urban Southampton.

- 5.5 **The height of the building proposed will be greater than the height of number 1 Sir Georges Road. The increased height close to 1 Sir Georges Road will result in reduced light to the front door, kitchen/back door at ground floor level and bathroom and side bedroom on the first floor.**

Response

Since the submission of the objection letter amended plans have been received in response to this issue. The height of the extended element adjacent to number 1 Sir Georges Road has now been reduced. Notwithstanding the reduced height of the building; neighbouring properties which overlook vacant sites shouldn't preclude development. The ground floor windows affected are not to habitable rooms. The small bedroom on the first floor will be affected to some extent but not to a degree which would justify refusal of permission given the relationship to the boundary.

- 5.6 **The neighbouring property at 1 Sir Georges Road will be overlooked and the occupants will have reduced privacy.**

Response

At first floor level windows facing the neighbour at number 1 Sir Georges Road will be obscurely glazed. The neighbouring garden at 1 Sir Georges Road and the rear facing first floor windows of the proposed development would not have an

uncommon relationship given the urban nature of the local environment where there exists a degree of overlooking of neighbouring amenity spaces. The proposal is not judged to be significantly harmful.

5.7 Loss of chimneys would be detrimental to character.

Response

The chimneys are now proposed to be retained.

5.8 SCC Architects Panel - No objections:

- Given surrounding materials a pale buff or yellow brick is suggested.
- Flat roofed areas would benefit from a parapet detail or corbelled brickwork detailing.
- Window details with reveals etc should be reserved by condition.

Response. Many of the suggestions have been incorporated into the latest revision and conditions can be used if necessary to secure specific aspects of the scheme.

5.9 SCC City Design - No objections:

- The new flat roofed upper floors should have a string course detail just below the parapet to add interest to the elevations. This would also benefit the ground floor to continue the string course detail along the frontage;
- The set back two storey element fronting the side road should have a pitched roof of similar height and detailing to the existing one,
- Fenestration should be in the same proportions to the existing and set out in pairs or equally spaced to similar to the existing (windows should have a reasonable amount of brickwork between if in pairs so as not to look pinched)
- The return to the main road frontage should be square to the frontage, stepping out if required to the rear retain the floor space Red brick to match existing context.

Response. Many of the suggestions have been incorporated into the latest revision.

5.10 SCC Sustainability Team – Add relevant Code 4 conditions.

5.11 City of Southampton Society - No objection.

5.12 SCC Environmental Health (Pollution & Safety) - Suggest relevant conditions.

5.13 SCC Environmental Health (Contaminated Land) - Suggest relevant conditions.

5.14 Southern Water – Apply standard informative.

5.15 SCC Ecology – Site has no intrinsic biodiversity value. The bat survey is now out of date however, whilst the condition of the building has deteriorated since the survey was undertaken the quality of the surrounding environment has not improved. It is unlikely that bats are present in the building. The presence of bats can however never be ruled out. Work affecting areas that could be used by bats, for example soffits, weather boards, roof tiles etc, should be undertaken by hand. No objection.

5.16 SCC Historic Environment – The current building makes a positive contribution to

the streetscape, and, although in need of some attention, it would be possible to convert the existing building rather than demolishing it and constructing something new which may be out of character with the streetscape. Although not listed, the building can be regarded as a heritage asset and we would strongly recommend its retention and conversion rather than allowing it to be demolished.

- 5.17 **SCC Archaeology** - Provision should be made for the building to be recorded prior to its conversion. Recommend this is carried out to Level 2 standard as outlined in the English Heritage document "Understanding Historic Buildings, A Guide to Good Recording Practice". Add relevant condition.
- 5.18 **SCC Development Co-ordinator, Environment and Economy** - No Employment and Skills Plan requirement for the Section 106 agreement.
- 5.19 **SCC Highways Development Management** - Incorporation of three parking spaces results in highways safety (in particular pedestrians) being compromised. The number of parking spaces should be reduced to two.

Response: Amended plans reduce the number of parking spaces to two.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration during the determination of this planning application are:
- the principle of the development;
 - the impact of the design of the building on the character of the area;
 - the quality of the residential environment produced for prospective residents;
 - the impact on the amenities of neighbouring and surrounding residents;
 - parking issues.
- 6.2 Principle of Development
- 6.3 The existing building is in a prominent position and is of local interest although it is currently in poor condition. The re-use of the building is to be commended. The extension of the building and use for residential purposes is supported by national and local policy.
- 6.4 Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy H8 of the Local Plan Review Policy sets a minimum density of 100 dwellings per hectare for new residential development in high accessibility areas. The area of the site proposed for development is 0.065 hectares. With 11 dwellings the density would be 169 units per hectare. The scheme therefore meets the council's density requirements.
- 6.5 Policy CS16 seeks a target of 30% family housing on sites where 10 or more residential properties are proposed. The scheme does not include family housing however given the constraints of the site; namely the re-use of this commercial building, the location on a busy road and limited available garden space, it is considered that the site is not conducive to family housing.

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

6.7 It is noteworthy that the developer Orchard Homes have worked closely with Freemantle Triangle Residents Association whilst investigating the potential residential development of the site. As result of discussions Orchard Homes have:

- Moved from their initial proposal of redeveloping the site.
- Agreed to retain the facades on Shirley Road and Sir Georges Road.
- Agreed to keep the original roof line and to re-slate as appropriate.
- Proposed to have pitched roofs on the new sections, ridge height to come in just below existing ridge height.
- Agreed to retain the chimney pots.

6.8 The proposed extension successfully complements the features of the existing building and accords with the principles set out in the residential design guide. The proposal has also managed to relate sufficiently to the rhythm of the street scene of both Sir Georges Road and Shirley Road; and provides a visual connection with the surrounding buildings in terms of storey height, eaves level, proportions and setbacks.

6.9 Conditions can be used to confirm details of the parapet design and window reveals.

6.10 The quality of the residential environment produced for prospective residents.

6.11 The proposed residential development is within walking and cycling distance of a range of local facilities and services with good access to public transport.

6.12 The privacy experienced by residents will be acceptable. Where windows are located on the pavement edge a lower section of obscure glazing shall be incorporated (controlled by condition) to prevent harmful inter-looking from the street. The cill height of the windows will also help to prevent significant loss of privacy enjoyed by the occupants. Where new windows will be added defensible space has been provided in front.

6.13 Whilst defensible space is not in front of each window at ground floor level the resulting situation is considered to be an acceptable compromise given that the proposal results in the reuse of the existing façade. The benefit of having habitable room windows on the external wall of the building ensures that natural surveillance of the street is achieved.

6.14 The amount of amenity space provided does not accord with the space requirements recommended in the residential design guide. To the rear approximately 96.25m² would be available as amenity space (turfed area on site plan therefore considered useable) where as the residential design guide recommends 220m² (20m² per flat). These deficiencies must be set against the advantages of living in a central location within easy walking distance of local shops and services. Planning Inspectors have supported this view in the recent past where similar situations have been proposed at other sites in the city.

6.15 Impact on the amenities of neighbouring and surrounding residents.

6.16 There will be some impact on the amenity enjoyed by the occupants of number 1 Sir George's Road. In particular the amount of light received to the Eastern side of the property; and outlook to the East, will be reduced. Since receiving the objection amended plans have been received which lower the height of the section of the building which is closest to the dwelling to reduce impact. The relationship now proposed is not uncommon in urban areas (two buildings in relative close proximity to one another) and the proposed building is set off the boundary by a similar distance to that of the the neighbour at number 1 Sir Georges Road.

6.17 The amended plans demonstrate that light received to the first floor windows will be acceptable given that the scheme now accords with the guidelines as set by the Building Research Establishment and adopted by the Council. A re-consultation exercise has taken place informing neighbours and objectors of the amended plans.

6.18 The position of the proposed windows at first floor level, and in part the use of obscure glazing, should ensure that neighbouring amenity (privacy) will not be significantly affected.

6.19 Parking

6.20 The dwelling is in a high accessibility area where greater than 20 buses per hour pass the site. Within a high accessibility area the adopted maximum parking standards would allow up to one parking space per residential unit. There is no requirement for the developer to provide any vehicular parking given that the standards are set at a maximum rather than minimum.

6.21 In order to determine the acceptability of the provision of two parking spaces as opposed to 11 (maximum permitted) one must balance the positive aspects of the scheme against elements which could be considered negative. When assessing the scheme weight should be attributed to the immediate proximity of the site to Shirley Road, associated public transport network and cycle storage provision. It should also be recognised that vehicular ownership cannot be pre-determined and it cannot be accurately predicted how many of the occupants, at any one time, will be car owners.

6.22 Additional parking provision on the site would also be considered to be an inefficient use of the land and may cause concern for highway safety. Additional car parking would also fail to encourage a modal shift towards more environmentally sustainable transport. In policy terms there is no specific reason to oppose the principle of the scheme owing to the level of parking provision.

6.23 In policy terms there is no specific reason to oppose the principle of the scheme owing to the parking provision. In terms of amenity Officers do not believe that all occupants of the flats will be car owners and whilst it is recognised that there maybe some overspill parking; and neighbouring residents may be inconvenienced by not being able to park outside their own homes, the harm caused by these changes are not judged to outweigh the aspects of the scheme which are supported.

7.0 Summary

7.1 The proposal involves the re-use of previously developed land within urban Southampton and will result in both a more efficient use of land and the reuse of an

important character building.

- 7.2 The site is appropriate for residential use given that it is located within a high accessibility area and accordingly has good access to public transport and local facilities such as shops, schools, employment and community facilities.
- 7.3 The façade of the building remains the focal point of the development and also of the street scene where it forms an important landmark.
- 7.4 Impact on local amenity, including the residential amenity enjoyed by the occupants of number 1 Sir Georges Road, has been considered and carefully minimised. The amenity enjoyed by the proposed occupants will be acceptable.

8.0 Conclusion

- 8.1 The negative aspects of the scheme are judged to be outweighed by the positive and as such the scheme is recommended for approval subject to a Section 106 agreement and conditions.

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

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

MP3 for 11/12/12 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - Schedule of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a schedule of materials and finishes (including full details of the manufacturers, types and colours of the external materials) to be used for external walls, windows, drainage goods and roof in the construction of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.

(Note: Render, roofing materials, drainage goods and window details should match as closely as possible the materials, design and finish of the property at present unless there

is a justifiable reason to alter it. Details of proposed down pipes to the extended element of the scheme should be included.

Reason:

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

04. APPROVAL CONDITION - Details of building elements [Pre-Commencement Condition]

Further details of building elements proposed are required and must be agreed in writing by the Local Planning Authority prior to the commencement of development.

A 1:20 scale drawing must be provided to illustrate window details including recess, sill projection/design and addition of obscure glazing treatment.

- o cills should be stone or pre-fabricated stone.
- o Window recess/relief should match that of the original Park Hotel building.
- o Details of obscure glazing treatment and position of the open-able section of windows fronting Shirley Road and Sir Georges Road (not to open outwards onto the pavement) shall be provided. The details should include section drawings of the ground floor fronting Shirley Road and Sir Georges Road, which details the relative positions of the pavement, position of ground floor windows and location of obscurely glazed treatment shall be provided. The obscure glazing treatment should demonstrate how the scheme would prevent loss of privacy from pedestrians on the pavement along with allowing outlook from habitable room windows.
- o Details of the parapet walls (string courses and corbelled brickwork) to the flat roof areas of the development and string course to the ground floor section adjacent to 91 Shirley Road are also required.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity and privacy; and to achieve a building of visual quality.

05. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted into first floor level north and east facing walls; or the ground or first floor level walls facing Shirley Road or Sir Georges Road without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

06. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Shirley Road and Sir Georges Road has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify 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

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' 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:

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

07. APPROVAL CONDITION - Windows not to overhang pavement

The windows serving the development hereby approved shall at no time open outwards onto the public highway.

Reason:

In the interests of highway safety

08. APPROVAL CONDITION - Balcony privacy screening [Pre-Commencement Condition].

Prior to the commencement of the development hereby approved details of the balustrade, and measures to prevent loss of privacy to neighbouring residents (privacy screen) shall be submitted to and approved in writing by the Local Planning Authority. Once approved the balustrade and privacy screen must be installed prior to the use of the roof terraces, fronting Shirley Road, in association with the building and retained in perpetuity.

REASON

To protect the amenities of the occupiers.

09. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes in the form of a design stage assessment, 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).

10. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, 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).

11. APPROVAL CONDITION - Archaeological building-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological building 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 the building is initiated at an appropriate point in demolition procedure.

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

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

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

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

13. APPROVAL CONDITION - Archaeological work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological building recording and assessment 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 building recording is completed.

14. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]

The communal external amenity space serving the development hereby approved and pedestrian access to it shall be carried out in accordance with the approved plans and shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the occupants.

REASON:

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

15. APPROVAL CONDITION - Cycle and Refuse Storage Facilities [Pre-Occupation Condition].

The approved cycle and refuse storage facilities shall be constructed in accordance with the approved plans prior to the first occupation of the hereby approved development. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport and in the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties.

16. APPROVAL CONDITION - Restricted use of flat roof area [Performance Condition]

Other than the two terraces proposed to be added at the front of the building the remaining roof area of the development hereby approved, which incorporates a flat roof surface, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers.

17. APPROVAL CONDITION, Protection of protected species [Performance Condition]

The removal of parts of the existing building to facilitate the construction of the development hereby approved, such as fascia boards, bargeboards, soffits, etc., shall be carried out by hand and checked to ensure no individuals of a protected species are present (most likely bats).

Reason:

To ensure no harm is caused to any potential habitat of a protected wildlife species.

18. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

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

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

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

21. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

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

22. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]

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

Reason:

In the interests of highway safety.

Note to Applicant

1. Informative:

A formal application for connection to the public sewage 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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

Southern Water's current sewerage records do not show any public sewer to be crossing the above site. However due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688).

If a protected wildlife species is discovered during the removal of parts of the existing building required to facilitate the construction of the development hereby approved works should stop immediately and Natural England contacted for advice on how to proceed.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

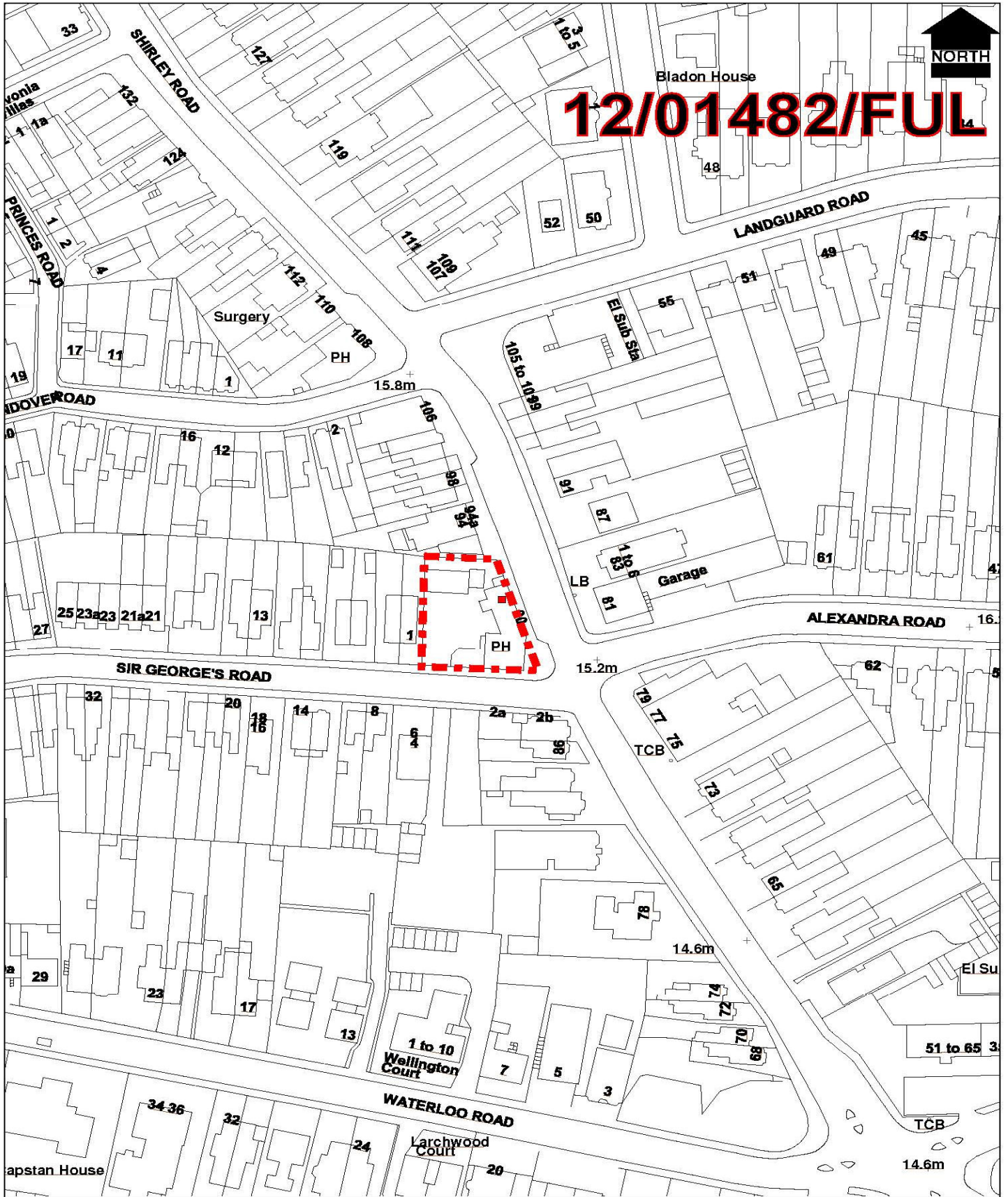
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
H1	Housing Supply
H2	Previously Developed Land
H5	Conversion to residential Use
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards (September 2011)

Other Relevant Guidance

NPPF National Planning Policy Framework



12/01482/FUL

Scale : 1:1250

Date 28 November 2012

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Agenda Item 8

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager

Application address: 106 Tennyson Road SO17 2HH			
Proposed development: Change Of Use From A Dwelling House (Class C3) To A House In Multiple Occupation For Up To 6 Persons (HMO, Class C4)			
Application number	12/01202/FUL	Application type	FUL
Case officer	Stuart Brooks	Public speaking time	5 minutes
Last date for determination:	02.10.2012	Ward	Portswood
Reason for Panel Referral:	Referred by Planning & Development Manager due to wider interest and support by local Ward Councillor	Ward Councillors	Cllr Vinson Cllr Claisse Cllr Norris

Applicant: Mr Perry Darcy	Agent: N/A
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Recommendation Summary	Refuse
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Reason for Refusal

The proposed conversion of the property to a HMO will result in an excessive concentration of HMO's within the immediate area and will result in an adverse impact on the overall character of the area surrounding the application site in terms of the mix and balance of households in the local community.

The proposal will be contrary to saved policies SDP1(i) and H4(ii) of the City of Southampton Local Plan Review (Adopted March 2006) and policy CS16 of the City of Southampton Local Development Framework Core Strategy Development Plan Document (Adopted January 2010) as supported by the section 6.5 and 6.6 of the Houses in Multiple Occupation Supplementary Planning Document (Approved March 2012).

Appendix attached			
1	Development Plan Policies	2	Supporting letter from Estate Agent dated 28 September 2012
3	Supporting email from Estate Agent dated 5 October 2012		

Recommendation in Full

Refuse

1. The site and its context

- 1.1 This application site is located on the east side of Tennyson Road in close proximity to Portswood Road. The surrounding area is mainly characterised by 2

storey residential properties with a mix of flats and dwellings.

- 1.2 The application site contains a 2 storey terraced dwelling containing a C3 single family dwelling.

2. Proposal

- 2.1 It is proposed to convert the family dwelling into a small C4 HMO for up to 6 occupiers. There will be 4 bedrooms, and communal facilities including a lounge and kitchen on the ground floor, and bathroom on the first floor. The occupiers will have access to approximately 30 square metres of private amenity space. The refuse bins will be stored in the front forecourt as the terraced property has no access to the rear garden.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework came into force on 27 March 2012. Having regard to paragraph 214 of the National Planning Policy Framework the policies and saved policies set out in Appendix 1 which have been adopted since 2004 retain their full material weight for decision making purposes.
- 3.3 Following the Article 4 direction coming into affect on March 23rd 2012, the conversion of a family house into a small HMO for up to 6 people requires planning permission. The planning application will be assessed against policy H4 and CS16 in terms of balancing the need for multiple occupancy housing against the impact on the amenity and character of the local area, and whether the quality of accommodation is suitable.
- 3.4 The Houses in Multiple Occupation SPD (adopted March 2012) provides supplementary planning guidance for aims of policy H4 and policy CS16, and sets out detailed criteria to assess the impact of an additional HMO on the character and amenity, and mix and balance of households of the local area. The SPD sets a maximum threshold which is considered to be the tipping point when the balance and mix of households becomes unbalanced. The threshold limit in the ward of Portswood allows 10% of the total number of residential properties to be HMOs, which is measured within a 40m radius or the 10 nearest residential properties surrounding the application site (section 6.5 refers).
- 3.5 There are certain streets in the city where the vast majority of the existing properties are HMOs and, therefore, the retention of the remaining 1 or 2 family dwellings within the 40m radius will not harm the character of the local area as there no significant difference to the balance and mix of households. Section 6.6 of the SPD states that the threshold limit will not be applied in these exceptional circumstances to help families who are struggling to sell their property to another family as there is no reasonable demand for their property. The applicant must demonstrate there is no reasonable demand by providing evidence from an estate agent there has been no reasonable offers (based on the local property market) to be sold as a family home for at least 6 months.

4.0 Relevant Planning History

- 4.1 There is no relevant planning history for the site.
- 4.2 The planning application 12/00245/FUL at 14 York Terrace Henstead Road has similar circumstances to this site where there were only 3 remaining family homes in the area affected. Although that application applied to a large HMO (7 or more occupiers), the concentration of HMOs is still relevant to this application under consideration. The application was recommended by Officer's for refusal due to the impact on the character of the local area from the high concentration of HMO's. However, in that case Panel overturned the officer recommendation and approved the application at the meeting held on 29th May 2012.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (27.08.2012). At the time of writing the report **5** representations have been received from surrounding residents, including representations of **objection** from local Ward Councillor Vinson, and **support** from local Ward Councillor Norris. The comments received have been summarised below:

5.1.1 Comment

There is an overconcentration of HMO's in relation to the balance and mix of households in the local area as the majority of properties are already HMO's and, therefore, exceeds the 10% threshold.

Response

It is noted that the number of HMOs exceeds the 10% threshold. The applicant is seeking exceptional circumstances as there are 3 family homes remaining within the 40m radius and they have been unable to sell their property for the 6 months for a reasonable price. Officer's have recommended refusal on the basis that this does not meet the guidance for allowing exceptional circumstances under section 6.6 of the HMO SPD, which specifies that the retention of 1 or 2 family dwellings would not further harm the character of the area.

5.1.2 Comment

The level of on street parking is over capacity.

Response

The applicant has undertaken a recent on street parking survey in the evening between 1900 and 2100 hours within the streets surrounding the application site. The Highway Officer is satisfied that the capacity of on street parking is sufficient to accommodate the parking demand resulting from the conversion to a small HMO.

5.1.3 Comment

The bins are left on the street causing an obstruction. The HMOs will be occupied by students who cause noise disturbance and nuisance in the late evening.

Response

The Council has statutory powers under Environmental Health legislation to monitor and enforce against local nuisance and litter. A condition will be applied to ensure that the bins are only stored on the highway on collection days.

5.2 **SCC Highways** - No objection raised.

5.3 **SCC Private Housing** – No objection raised.

6.0 Planning Consideration Key Issues

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

- Principle of development;
- Impact on the character and amenity of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Impact on highway safety;
- Standard of living conditions for future residents.

6.2 Principle of Development

6.2.1 In principle, the conversion of the family dwelling into a small HMO is acceptable as there is a need for this type of housing. However, the contribution of this additional HMO should be balanced against the harm to the character and amenity of the local area. In this case, the number of existing HMOs already exceeds the tipping point in the local area in terms of the 10% threshold limit but falls short of the point where the exception rule is triggered i.e. there are only 1 or 2 family homes remaining within the 40m radius.

6.3 Impact on the character of the surrounding area;

6.3.1 Within the 40m radius surrounding the application site, 20 residential properties (including the application site) have been identified from which the concentration of HMOs is calculated. Based on information from the Council's records, in addition to a site visit carried out by the case officer, it is considered that the threshold of 10% has already been exceeded by the number of existing and proposed HMOs.

6.3.2 The survey shows that the majority of the properties in the radius are HMOs. Only 3 family homes remain (not including 106 Tennyson Road). However, this is not sufficient to trigger the exceptional circumstances set out in section 6.6 of the HMO Supplementary Planning Document. An additional HMO will further unbalance the mix of households and the character of the local area.

6.3.3 It is highlighted that in this instance, the percentage of HMOs within the assessment zone is 85%. This is comparable to the planning application at 14 York Terrace Henstead Road where there were only 3 remaining family homes in the area affected (**refer to Section 4**).

6.3.4 The exceptional circumstances can only be applied to properties which have been marketed for continued family use for at least 6 months. An estate agent (**see Appendix 2/3**) has confirmed that the property has been marketed for 6 months with no reasonable offers for continued use as a family dwelling. That is a relevant

factor, although in the current housing market, not considered to be an over-riding argument.

6.4 Impact on residential amenity of neighbouring occupiers

6.4.1 The northern end of Tennyson Road surrounding the application site is mainly characterised by a tight urban grain, and there are existing examples of HMOs in terraced properties. The property has 4 bedrooms and therefore is likely to have maximum of 4 occupiers, though a small C4 HMO permission would allow up to 6 persons to live there.

6.4.2 It is considered that the proposed HMO will not adversely impact on the residential amenity of local residents, as there would not be significant difference in the scale and nature of use in terms of comings and goings of the residents and the amount of refuse they produce.

6.5 Impact on highway safety

6.5.1 The applicant has undertaken an on street parking survey on Wednesday 31 October 2012 in the evening between 1900 and 2100 hours within the streets surrounding the application site. The Highway Officer is satisfied that the capacity of on street parking is sufficient to accommodate the parking demand resulting from the conversion to a small HMO.

6.5.2 The Highway Officer has commented that a secure and covered cycle store should be provided with Sheffield style stands to accommodate a cycle for each occupier/bedroom. A condition will be applied to require these further details.

6.5.3 The refuse bins will be sited to the front forecourt behind an existing low front wall and hedge. Although bins should not normally be visible from the street, this is considered to be acceptable in this case as there is no scope to store the bins to the rear as the property is terraced.

6.6 Standard of living conditions for future residents

6.6.1 The Private Housing team are satisfied with the standard of accommodation for future residents, however, the applicant or any prospective purchaser should be aware that the current level of amenities would only allow occupation by up to 5 persons.

6.6.2 Policy H4 specifies that the private amenity space provided should be adequate, however, does not specify a minimum standard for the quantity of space. Although the size of amenity space is small, this is not uncharacteristic of the garden sizes of the adjacent properties in Tennyson Road, and the usability of the space is considered to be acceptable.

7.0 Summary

7.1 In summary, the existing number of HMO's in the 40m radius exceeds to the 10% threshold for the area but does not trigger the exceptional circumstance of being the last one or two non-HMO's. On this basis a further erosion of the balance of the local community will cause harm to the character of the local area.

8.0 Conclusion

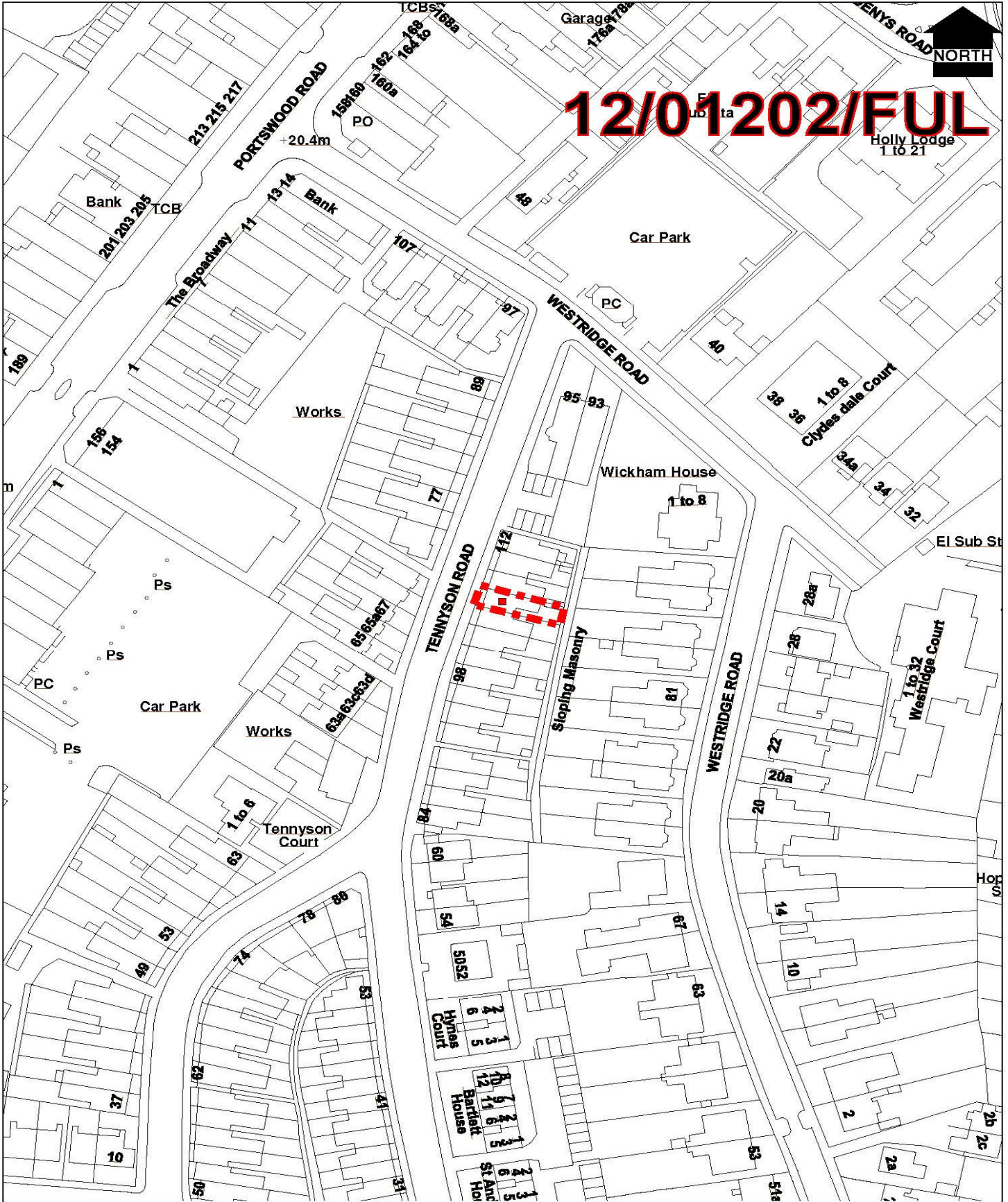
- 8.1 On balance, the impact of the application has been assessed as contrary to policy and therefore is recommended for refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

SB for 11/12/12 PROW Panel



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Date 28 November 2012

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Application 12/01202/FUL

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS16	Housing Mix and Type

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation (Approved – March 2012)

Other Relevant Guidance

National Planning Policy Framework

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Mr M Pidgeon
Planning Officer
Southampton City Council
Civic Centre
Southampton
SO14 7LS

53 London Road
Southampton
Hampshire
SO15 2AD
Telephone: 02380 228822
Facsimile: 02380 331330
Email: southampton@morrisdibben.co.uk

PLANNING

28 SEP 2012

SUSPENDED

27 September 2012

Dear Mr Pidgeon

RE: 106 Tennyson Road, Portswood, SO17 2HH

I can confirm that we have been marketing this property from 5th April 2012. We would have expected to have found a buyer for a property of this quality without delay but, as anticipated from the outset, have been unable to do so for two reasons.

Firstly, houses in Tennyson Road are no longer in demand for family occupation due to the high density of student accommodation in the road.

Secondly the Article 4 Direction has made it impossible to sell to investors who would otherwise have purchased the house for HMO use.

We have an investor interested in buying the property but only subject to getting planning permission for change of use to a HMO.

Yours sincerely



Peter Baker
Morris Dibben

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Brooks, Stuart

From: MD Southampton [southampton@morrisdibben.co.uk]
Sent: 05 October 2012 18:35
To: Brooks, Stuart
Subject: 106 Tennyson Road

Dear Mr Brooks

I confirm that there have been no reasonable offers for the property as a family home.

We have not even had any viewings from anyone looking to buy the property to live in.

Kind Regards

Peter Baker
Valuations Manager

Morris Dibben

53 London Road
Southampton
SO15 2AD

Tel 02380 228822
Fax 02380 331330
Email southampton@morrisdibben.co.uk

Morris Dibben

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Agenda Item 9

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	AUTHORISATION TO ERECT A BARRIER ACROSS A PUBLIC RIGHT OF WAY AND ANCILLARY ACTIONS
DATE OF DECISION:	11 DECEMBER 2012
REPORT OF:	HEAD OF REGULATORY SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY To seek authorisation to install an appropriate gated barrier across the entrance to Restricted Byway 28; being necessary to prevent public vehicular access and those acts of serious fly-tipping that occur at the northern-most end of Coxford Road.

RECOMMENDATIONS:

- (i) That Panel authorises the installation of an appropriate gated barrier whose position is indicated in Appendix 1, that prevents public vehicular access to and along Restricted Byway 28, (RB28), but which retains legitimate use for which a Restricted Byway may be used by the public, and also those utilities that have a private right of vehicular access to their respective areas, installations and equipment. Such a barrier to be within permitted development tolerances under Class A of Part 2 to schedule 2 of the Town and country Planning (General Permitted Development) Order 1995 (as amended); and
- (ii) That Panel proposes a Traffic Regulation Order that will prevent horse riding and horse-drawn carriage driving along RB28.

REASONS FOR REPORT RECOMMENDATIONS

1. The wooded area at the end of Coxford Road has been identified by the new cross-council flytipping working group as the number 1 flytipping hotspot in the city. The dark and secluded area just inside the woods is regularly accessed by vehicles for the illegal dumping of waste. This has a significant detrimental impact on the amenity of the area. Southampton City Council investigates each flytip and clears the waste away. This has a significant cost implication for the council.
2. In order that only those categories of use, for which this Council has evidence, can operate along the right of way, legal authority needs to be in place to restrict those activities for which there is no evidence; that is horse riding and horse-drawn carriage driving. This is necessary as the installation of a gated barrier will prevent access by horse-drawn carriage as well as unauthorised motor vehicles.

DETAIL (Including consultation carried out)

3. RB 28 was added to the Definitive Map & Statement under relevant sections of the Wildlife & Countryside Act 1981, ("the 1981 Act"), and based on evidence of pedestrian and cycle use only, as directed by section 31(1A)(b) of the Highways Act 1980, as amended, ("the 1980 Act").

4. The route, whilst a continuation of the hard-surfaced highway of Coxford Road, the metalling stops just before its junction with Bridleway 12 and the start of RB28, continuing as such northwards along an earthen, non-metalled surface.
5. The route is bisected by the administrative boundary that separates the City of Southampton from Test Valley Borough Council, with responsibility of Public Rights of Way being vested in Hampshire County Council.
6. Where RB28 meets the City boundary, the public right of way continues as a definitive right of way footpath, "Chilworth 3", which is presently being investigated by Hampshire County Council towards possible upgrade to Restricted Byway.
7. The installation of a gated barrier will prevent vehicles driving straight along Coxford Road and onto RB 28 and into the secluded wooded area of Lords Wood. It will therefore make it impossible to quickly dump large quantities of waste straight from a vehicle in an area where it is very hard to be seen. Currently, unauthorised vehicles have no right to use the Restricted Byway. However due to the lack of any physical barrier vehicles do regularly use and park on RB 28, using it as a car park for the woods. Installation of a barrier will protect the Byway for its proper use, but would mean a change in current car parking habits for some users and potentially local residents. At the moment car parking is available on Coxford Road and Dunvegan Drive area, which have no parking restrictions.
8. The Living Lordswood group have been contacted and their initial comment was that local residents in the stretch of Coxford Road beyond Dunvegan may be a bit 'miffed' at having extra cars parking outside their homes.
9. There are several parties who will continue to require vehicular access to RB 28: to serve the Orange Telecommunications mast and the Southern Gas Network gas pressure reducing station, the Forestry Commission, the Police, Hampshire Fire and Rescue, and land owners to the north who have access rights along the Byway. Such authorised vehicular access will be possible via a multipoint lock on the barrier to which they will have a key. These parties have been consulted and have indicated that this arrangement would be acceptable at a site meeting on 14 August 2012.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. A Gating Order under section 129A of the Highways Act 1980 (as amended).

RESOURCE IMPLICATIONS

Revenue

11. Cost of removing flytips
 - Between 30th August 2011 and 31st August 2012 there have been 15 recorded flytip incidents in this area (source: City Patrol).
 - Each flytip was cleared by Open Spaces at a cost estimated to be £250 - £300 per clearance.(source: Open Spaces)
 - This gives a cost of clearance to the Council of £3750 - £4500 over the last year alone.
 - Flytipping in this location, and clearance by the council, has been

ongoing for many years.

Cost of installing a gated barrier

- Quotes have been obtained for the supply and fitting of a gated barrier:
- Total of £2456 + Vat (Material costs £1246 + Labour £1210)
- No ongoing maintenance costs.

Benefits of installing a barrier

- Payback within 2 years
- Reduction in costs to the council each subsequent year from year 3 of around £3750 to £4500

Property/Other

12. In 2009, the land ownership of the route that constitutes RB 28 was investigated through HM Land Registry, and by Notice on Site, as part of the research into the status of the route; the aim being to add it to the Definitive Map & Statement of Public Rights of Way by means of a Definitive Map Modification Order.

As part of that Order making process, the land owner, if known, must be notified or, in the case where the landowner cannot be identified, dispensation for that part of the process must be obtained from the Planning Inspectorate.

Such dispensation was obtained in a letter from the Inspectorate dated 9th March 2010.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

13. The Highways Act 1980 (as amended), section 66(3).

Other Legal Implications:

14. None

POLICY FRAMEWORK IMPLICATIONS

15. None

AUTHOR:	Name:	Karen Hunter	Tel:	023 8091 7530
	E-mail:	karen.hunter@southampton.gov.uk		

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Proposal Plan illustrating routes and proposed site of installation
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Documents In Members' Rooms

1.	None
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	No
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Other Background Documents

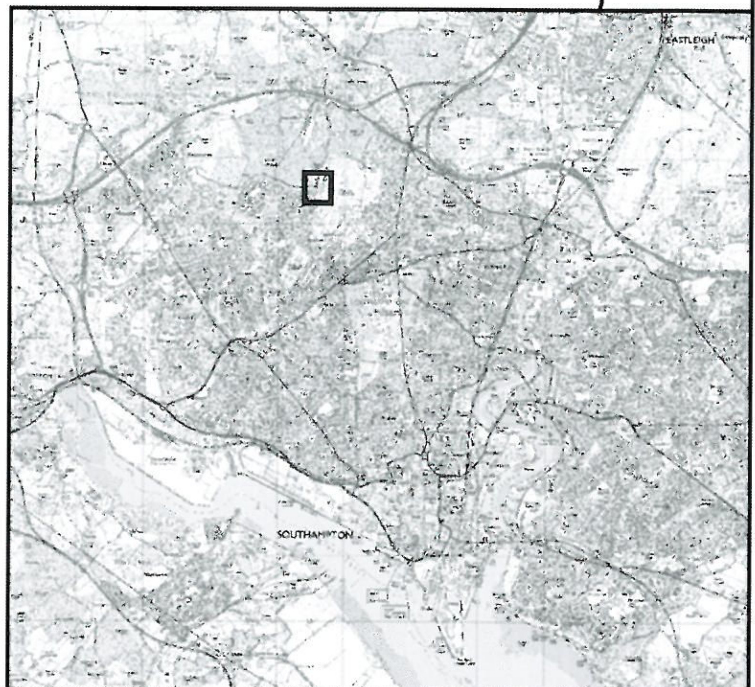
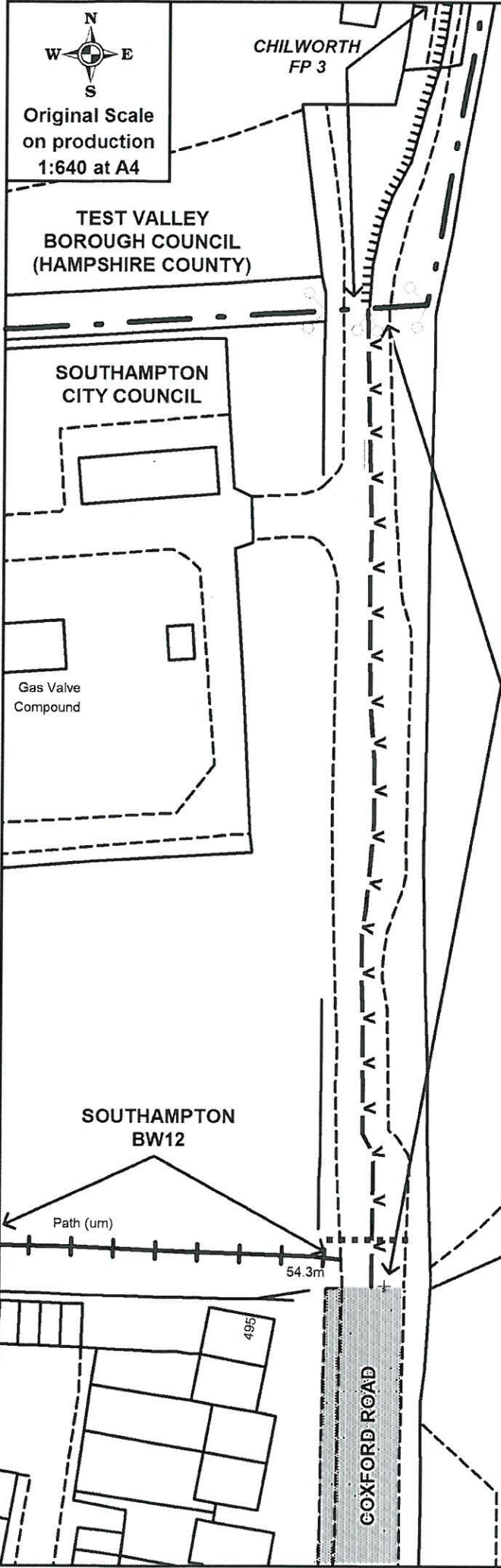
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	None	
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Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	BASSETT / COXFORD
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PROPOSAL PLAN TO ILLUSTRATE THE RIGHTS OF WAY INVOLVED AND THE SITE OF THE PROPOSED GATED BARRIER



SOUTHAMPTON
 RB28

Metalled carriageway of Coxford Road

Site of Proposed Barrier

Definitive Rights of Way line styles

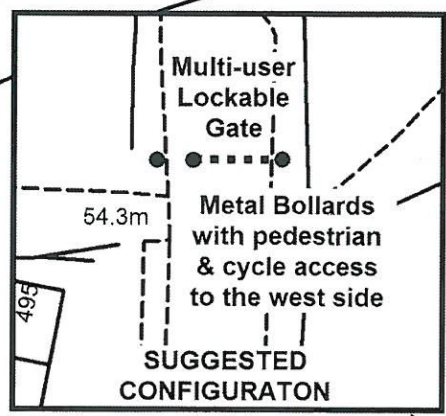
Footpath

Bridleway

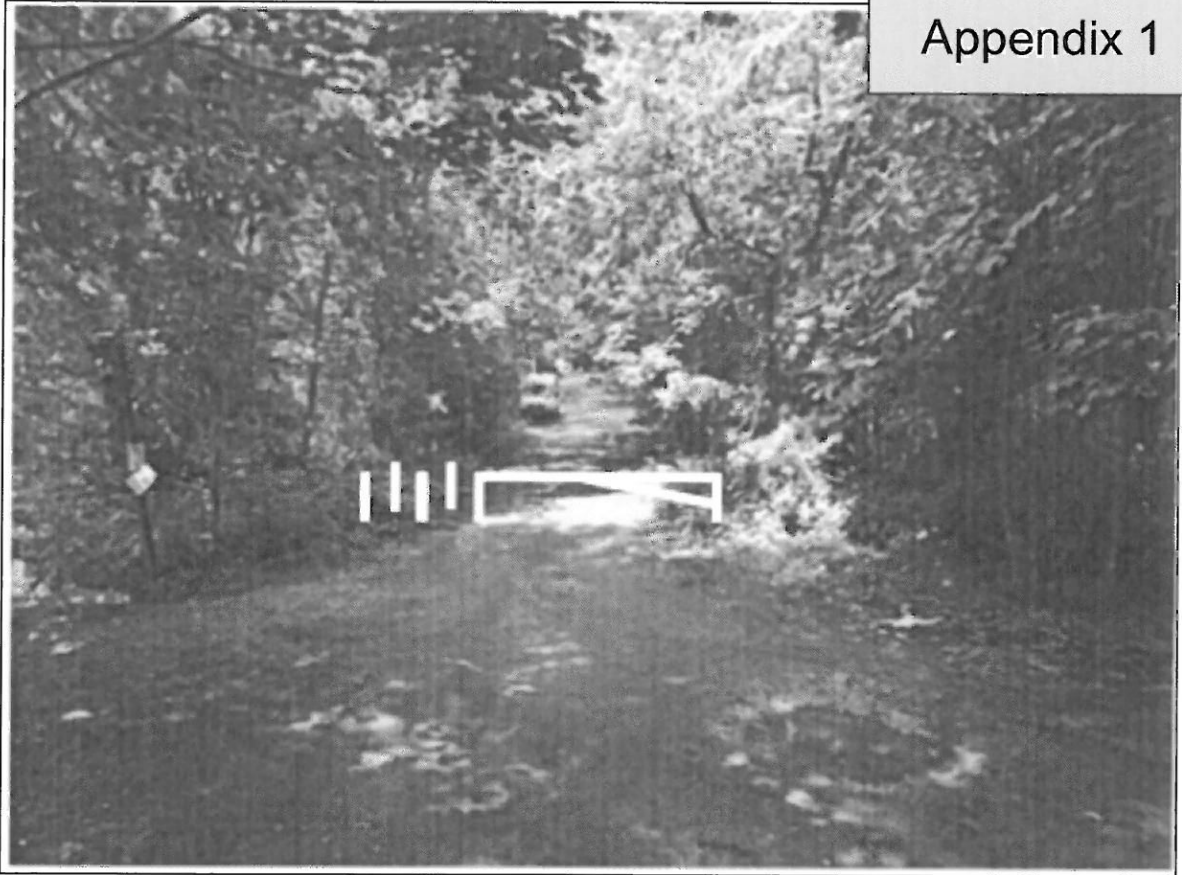
Restricted Byway

City / Borough / County Boundary

REDLODGE
 BELT &
 GOLF
 COURSE



Appendix 1



Agenda Item 10

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: Former Birch Lawn Care Home, Sullivan Road			
Proposed development: Construction of 22 houses (2 x two-bedroom, 18 x three-bedroom and 2 x four-bedroom) with associated landscaping and parking			
Application number	12/01392/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	07.12.12	Ward	Bitterne
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Letts Cllr Stevens Cllr Lloyd

Applicant: Foreman Homes Ltd	Agent: N/A
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 11.12.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within National Planning Policy Framework (March 2012) is also relevant to the determination of this planning application. 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)

Appendix attached			
1	Development Plan Policies	2.	Planning History

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure

(i) A minimum on-site provision of 8 dwellings (ie. 35% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;

(ii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport improvements under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS18 and CS25;

(iii) A financial contribution towards strategic transport improvements in the wider area in accordance with policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

(iv) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;

(v) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25 and;

(vi) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

2. That the Planning and Development Manager be given delegated authority to add, delete or vary any of the attached planning conditions and relevant parts of the Section 106 agreement,

3. In the event that the legal agreement is not completed within two months of the Panel, the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

1.1 The application site lies on the corner of Sullivan Road and Wood Close. It is currently vacant and cleared of buildings but previously contained a care home. The site shares its vehicular access with the Doctor's Surgery to the north and is subject to a Tree Preservation Order and in particular, there is a group of mature trees adjacent to the southern site boundary. To the west of the site is a school. The surrounding area is predominantly residential and is characterised by terraces of two-storey properties.

2. Proposal

2.1 The application seeks full planning permission for the construction of 22 houses. The proposed layout has been amended since originally submitted. The application proposes two terraces of five houses fronting Sullivan Road, each with

an off-road car parking space to the property frontage. To the rear of these houses, two further terraces are provided, fronting an access which runs adjacent to the western boundary. A single, detached house is now positioned adjacent to the western boundary.

- 2.2 A pedestrian route would be provided through the centre of the site which provides access to a small area of communal open space to the west of the site.
- 2.3 Each terraced house would be served by 1 off-road car parking space and the detached house would be served by 2 spaces. A further 6 visitor car parking spaces would be provided on the site.
- 2.4 A total of 12 trees (plus two small ornamental conifers) will be removed and 27 replacement trees are proposed.
- 2.5 The dwellings would be two-storeys in scale and would have a pitched roof form with front facing gable ends. Porches would be provided to the front elevations which incorporates the storage for cycle and refuse. External pedestrian access would be provided to the rear gardens.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is not identified for a particular use within the Development Plan but lies within an area of low accessibility for public transport. Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.
- 3.4 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4. Relevant Planning History

- 4.1 The planning history of the site is set out in **Appendix 2**.

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 (27.09.12) and erecting a site notice (20.09.12). A further two-week neighbour notification exercise was carried out following the receipt of the amended plans. At the time of writing the report 2 representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The pedestrians and vehicles associated with the development will conflict with the adjacent Doctor's Surgery, particularly in terms of the houses which fronted on the shared access.***

5.3 **Response**

The scheme has been amended to avoid dwellings fronting onto the shared access with the Doctor's Surgery. The access will now serve fewer dwellings than originally submitted and the Highways Team are satisfied that the access to the site is of a sufficient width to ensure that highway safety will not be compromised and that the two sites can function harmoniously.

5.4 ***The development would potentially result in overspill car parking onto the neighbouring Doctor's Surgery Car Park***

5.5 **Response**

Each dwelling will be served by at least one off-road car parking space, which relates well to the units which they serve. In addition to this, provision is also made for visitor car parking to limit the potential for overspill car parking from the site.

Consultation Responses

5.6 **SCC Highways** - No objection subject to conditions.

5.7 **SCC Housing** – No objection. The requirement is to provide 8 affordable housing units and the preference for this is on site.

5.8 **SCC Sustainability Team** – No objection, suggest conditions to secure the required sustainability measures.

5.9 **SCC Environmental Health (Pollution & Safety)** - No objection subject to conditions to minimise disruption to neighbouring residents during the construction process.

5.10 **SCC Environmental Health (Contaminated Land)** - The site is likely to be subject to historic land contamination and therefore conditions are recommended to address the risk.

5.11 **SCC Ecology** – No objection. The submitted landscaping information has been amended to incorporate suitable ecological mitigation measures.

5.12 **SCC Trees** - No objection subject to a condition to secure adequate tree replacements for those to be removed.

5.13 **SCC Archaeology** - No objection or conditions suggested

5.14 **Southern Water** – No objection subject to a condition to secure details of foul and surface water disposal and a note to applicant on the decision notice to make the developer aware of the requirement to connect to the public sewer and water supply.

5.15 **BAA** - No objection. The landscaping should not attract birds and a note to applicant is suggested regarding the use of cranes.

6. Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on the amenities of neighbours of the site;
- iv. The quality of the residential environment proposed;
- v. Parking and highways;
- vi. Sustainability and;
- vii. Mitigation of Direct Local Impacts.

6.3 Principle of Development

6.3.1 The principle of making more efficient use of previously developed and underused sites to provide residential development is acceptable. The previous care home use does not constitute a community facility as defined by policy CS3 of the Core Strategy and as such, there is no requirement for a replacement facility on site. The site lies within an area of Low Accessibility for public transport and the Core Strategy supports residential development of between 35 and 50 dwellings per hectare within such locations. The proposed density range of 49 dwellings per hectare accords with this. The application proposes 90% genuine family dwellings which is in accordance with policy CS16 of the Core Strategy. The principle of development is therefore, acceptable.

6.2 Design and Impact on the Character of the Area

6.2.1 In terms of layout, the amended proposal better reflects the character of the area by providing two short terraces which address Sullivan Road and by incorporating in-curtilage car parking which is visible from the dwellings. The terraced form of the development is sympathetic to the residential properties within the surrounding area and the two-storey scale also respects the prevailing pattern of development. The use of front-facing gables reinforces the different plots and the frontages are also articulated by porches. Landscaping details have been submitted with the application and would enhance the retained protected trees on site as well as soften the built form and hard surfaced areas. Overall, it is considered that the development would have a positive appearance when viewed from public vantage points.

6.3 Impact on amenities of neighbours of the site

6.3.1 The application site is sufficiently separate from residential properties to ensure that the development as proposed would not have a harmful impact on residential amenity. The proposed dwelling adjacent to the western site boundary is designed to avoid first floor windows overlooking the neighbouring school.

6.4 Quality of the residential environment

6.4.1 The amendments to the proposed layout have resulted in private gardens which are slightly less than standards set out in the Residential Design Guide, however the proposed dwellings now have a much improved relationship with the trees on site, meaning the quality of gardens is improved. In addition to this, the Residential Design Guide recommends a flexible approach to garden standards where they would not appear out of keeping with the site's context. Since the proposed garden sizes are comparable to other streets within the vicinity of the site, such as Siddal Close, the development is considered to be acceptable in this respect. Furthermore, the amendments to the layout creates a better relationship between the dwellings and their car parking spaces which also improves the overall quality of the residential environment. The storage for refuse and recycling is well-integrated into the development and each unit also benefits from external access to the amenity space. The internal access road is designed as a shared surface between vehicles and pedestrians which would also contribute to the creation of an overall positive place for future occupants.

6.5 Parking and Highways

6.5.1 Each dwelling would be served by at least one off-road car parking space and provision has also been made for visitor car parking spaces. The level of car parking complies with adopted maximum car parking standards. The access shared with the adjacent Doctor's Surgery is sufficiently wide to serve both developments without conflict between the different uses arising. The proposed layout also enables a refuse collection vehicle to enter and turn on the site. The Highways Team are satisfied that the proposed access points from Sullivan Road are acceptable in highway safety terms and that the resultant loss of on-street car parking would not be detrimental.

6.6 Sustainability

6.6.1 The development proposes photovoltaics to the south-facing roof slopes of the dwellings and a pre-assessment estimator for the Code for Sustainable Homes has been submitted with the application which demonstrates that the proposal would meet level 4, as required by policy CS20 of the Core Strategy.

6.7 Mitigation of Direct Local Impacts

6.7.1 The development triggers the need for contributions to mitigate the direct local impacts of the development and affordable housing, as set out in the recommendation above. It is intended that 100% of the development will be provided as affordable housing units. The applicant's have submitted a draft section 106 with the application and subject to the satisfactory completion of this agreement, the development is considered to be acceptable

7. Summary

7.1 The proposed development would be sympathetic to the character of the area and would provide a high quality residential environment for future occupants. The provision of 20 genuine family affordable housing units is welcome.

8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report and signing of the S.106 planning agreement, the proposal would be acceptable. The application is therefore recommended for approval.

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

1 (a) (b) (c) (d), 2 (b) (c) (d), 4 (b) (f), 6 (a) (i), 7 (a), 8 (a), 9 (a)

JT for 11/12/12 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

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 Statement (CMS) for the development. The CMS 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 demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during demolition and construction will be mitigated. The approved CMS 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.

**04. APPROVAL CONDITION - Hours of work for Clearance / Construction
[Performance Condition]**

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

05. APPROVAL CONDITION - replacement trees [Performance Condition]

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

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990 to be retained will be adequately protected from damage throughout the construction period.

06. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Occupation Condition]

The hard and soft landscaping scheme hereby approved (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

07. APPROVAL CONDITION - Refuse & Recycling Bin Storage [performance condition]

The storage for refuse and recycling shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

In the interests of the visual appearance of the building and the area in general.

08. APPROVAL CONDITION – Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

09. APPROVAL CONDITION - Amenity Space Access [performance condition]

The communal amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

To ensure the provision of adequate amenity space in association with the approved dwellings.

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

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development.

11. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof extensions), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

12. APPROVAL CONDITION - Ecological Mitigation Measures [Pre-Commencement Condition]

Prior to development commencing, including site clearance, a programme of habitat and species mitigation and enhancement measures, shall be submitted to and approved in writing by the Local Planning Authority, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any site clearance takes place.

Reason:

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

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

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

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

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

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

Reason:

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

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

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

Reason:

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

15. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

16. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, 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).

17. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To ensure that the development does not adversely impact on the public sewer system

18. APPROVAL CONDITION - Obscure Glazing [performance condition]

The first floor windows to the west elevation of plot 22 shall be fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this condition.

Reason:

To avoid overlooking of the neighbouring school site.

19. APPROVAL CONDITION - 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.

Notes to Applicant

1. Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

2. Connection to Water Supply

A formal application for connection to the water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

3. Use of Cranes

If a crane is used during the construction of development, please be aware of the requirement within 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 <http://www.aoa.org.uk/policy-safeguarding.htm>)

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT5	Open Space in New Residential Developments
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment

Supplementary Planning Guidance

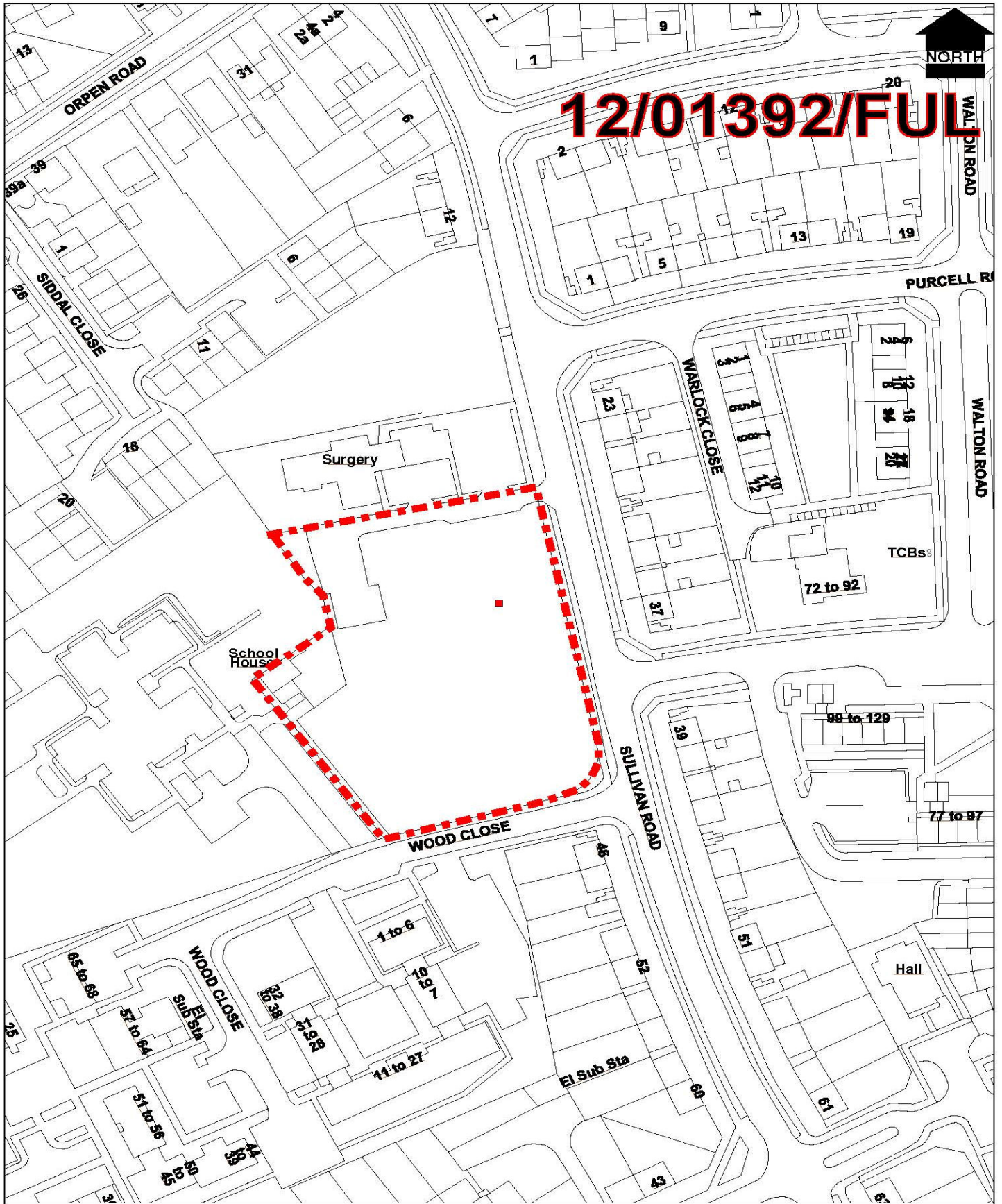
Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

National Planning Policy Framework March 2012

Relevant Planning History

W1R/505 Erection of health clinic	Permitted 17.05.1949
1345/39 Erection of a home for elderly persons	Permitted 27.02.1968
951261/EH Creation of a new day centre and office accommodation within the curtilage of the building, a covered entrance and demolition of garage to provide car parking space	Conditionally Approved 15.01.1996
04/00769/OUT Redevelopment of the site to provide a day care centre/care in the community response centre and 3 no. bungalows (outline application for the means of access and siting of the development).	Refused 27.07.2004
Refusal reasons:	
01. The proposed outline development seeks siting and means of access for consideration. The proposal as submitted results in the removal and loss of the only private garden amenity space on the site that is used by the residents of the care home. The removal without adequate alternative provision of an outdoor quality environment is detrimental to the current amenities enjoyed by the care home residents, and therefore is considered to be contrary to Policies GP1 (ii) (iv) (ix) , ENV3 (iv), G15, G22 and L1 of the city of Southampton Local Plan (1995) and Policies SDP1, SDP7, SDP8, SDP9(v) and SDP12 of the City of Southampton Local Plan Revised Deposit version.	
02. The proposed outline development seeks means of access and siting for consideration. The proposal as submitted results in the removal and loss of the only private garden amenity space on the site that is used by the residents of the care home and the introduction of areas for vehicle parking, turning, and manoeuvring close to the existing care home accommodation. The imposition of activities with a potentially disturbing characteristic (such as in noise or fume generation) in such close proximity to residents living accommodation results in a poor quality environment without adequate outlook for the elderly residents living on the site is detrimental to the current amenities enjoyed by the care home residents, and therefore is considered to be contrary to Policies GP1 (i), (ix), (xv), ENV3 (vi) of the city of Southampton Local Plan (1995) and Policies SDP1, SDP7, SDP8, SDP9(v) and SDP11, SDP12 of the City of Southampton Local Plan Revised Deposit version.	
03. The proposed development requires the wholesale removal of the existing tree cover to the amenity garden area of the current care home on the site. The loss of this number of trees would have a significant and a harmful impact on the perceived general amenity of the area, and on the amenities that are enjoyed by the current residents of the care home in particular. The proposal is therefore contrary to Policies GP1 (ii) (iv) (ix) , ENV3 (iv), G15, G22 and L1 of the city of Southampton Local Plan (1995) and Policies SDP1, SDP7, and SDP12 of the City of Southampton Local Plan Revised Deposit version.	
11/00816/DPA Prior notification for the proposed demolition of Birch Lawn (including school house), Sullivan Road.	No objection 05.07.2011



12/01392/FUL

Scale : 1:1250

Date 28 November 2012

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Agenda Item 11

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager

Application address: Land at the rear of Cateran Close			
Proposed development: Erection of 10 x two-storey three-bedroom houses with associated access, parking and landscaping			
Application number	12/01487/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	31.12.12	Ward	Millbrook
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Thorpe Cllr Furnell Cllr Laming

Applicant: Drew Smith	Agent: MH Architects Limited
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on 11.12.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of the neighbouring properties. Where appropriate planning conditions have been imposed to mitigate any harm identified. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

“Saved” Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, HE6, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) policies CS4, CS5, CS6, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 and the Council’s current adopted Supplementary Planning Guidance. National Planning Guidance contained within National Planning Policy Framework (March 2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- ii) A minimum on-site provision of 2 dwellings (ie. 20% of the net gain) to be provided on-site as affordable housing in accordance with adopted LDF Core Strategy Policy CS15;
 - iii) A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS18 and CS25;
 - iv) A financial contribution and/or the implementation and maintenance of an agreed series of strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - v) Financial contributions towards the relevant elements of public open space required by the development in line with Policy CLT5 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS21 and CS25;
 - vi) Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with adopted LDF Core Strategy policies CS24 and CS25 and;
 - vii) Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. Subject to the receipt of satisfactory amended plans to amend the roof design from pitched to hipped roof forms.
 3. That the Planning and Development Manager be given delegated authority to add, delete, or vary any of the attached planning conditions and relevant parts of the Section 106 agreement.
 4. In the event that the legal agreement is not completed or satisfactory amended plans are not received within two months of the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site previously contained residential garages but these have been demolished and with the exception of hardstanding and some patchy vegetation, the site is mainly cleared. The site benefits from an existing vehicular access from Cateran Close and on three sides abuts rear boundaries with neighbouring residential properties. Beyond the southern site boundary is Mason Moor Primary School. A public footpath runs to the side of 5 Whitestone Close into the site.
- 1.2 The surrounding area is residential in character and typically comprises two-storey, brick-built, terraced houses which have a simple design appearance.

2. Proposal

- 2.1 The application seeks full planning permission to construct ten, two-storey dwelling houses within two terraces.
- 2.2 The development would utilise the existing access from Cateran Close and the properties would front a central courtyard which contains 12 car parking spaces, a turning area for the refuse collection vehicle and soft landscaping, including 8 new trees. The existing public footpath would be retained in the proposed layout.
- 2.3 Each dwelling would be served by a private rear garden, none of which are less than 10 metres in depth and all over 50 sq.m in area. To the rear of the properties purpose built cycle storage would be provided with external access paths from the stores to the public highway. The front doors of the properties would be recessed and within the recesses, an area for the refuse and recycling would be provided.
- 2.4 The dwellings would have a pitched roof appearance and the elevations would be constructed using a red/brown brick, with elements of pale render and coloured cladding panels.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site is not identified for a particular use within the Development Plan but lies within an area of low accessibility for public transport. Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.
- 3.4 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4. Relevant Planning History

- 4.1 There have been no recent or relevant application relating to the application site.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining

and nearby landowners, placing a press advertisement (25.10.12) and erecting a site notice (11.10.12). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***Cateran Close is very narrow and often heavily parked creating highway safety problems. The proposed development would exacerbate these issues.***

5.3 **Response**

The highways team are satisfied that Cateran Close can accommodate the trips associated with the proposed development and moreover the highway works that will be required through the section 106 process, would represent an overall improvement in highway safety terms. These works include the removal of the small island within Cateran Close.

5.4 ***The proximity of the dwellings to the rear boundaries of the adjacent properties on Oakley Road would result in an increase of overshadowing and a loss of sunlight to these properties.***

5.5 **Response**

The proposed dwellings would be sited almost 14 metres from the rear elevations of properties on Oakley Road, which exceeds the 12.5 metre separation standard set out within the Council's Residential Design Guide Supplementary Planning Document. This separation is considered to be sufficient to minimise the impact on the amenities of the occupiers of these properties. Some overshadowing will take place but this will not result in constant shade and is consistent with BRE standards.

5.6 ***The development will result in overlooking and a loss of privacy to existing residents which adjoin the site***

5.7 **Response**

The proposed dwellings are designed to take outlook from either the parking courtyard or their private rear gardens. Windows located within the side elevations are secondary and therefore can be fixed shut and obscurely glazed by planning condition. A condition is also suggested to prevent any further windows being located in the side elevations of dwellings. In addition to this, the proposed 'back-to-back' separation distances would be no less than 26 metres, which exceeds the 21 metre separation standards set out within the Residential Design Guide.

Consultation Responses

5.8 **SCC Highways** - No objection subject to conditions. The access into the site is narrow but it is large enough to accommodate a refuse collection vehicle. The proposal requires some highway works outside of the application site including the removing of a telegraph pole within the street. These works would represent an improvement in highway safety terms.

5.9 **SCC Housing** – No objection. The requirement is to provide 2 affordable housing units and the preference for this is on site. The scheme is proposed as 100% affordable.

5.10 **SCC Sustainability Team** – No objection. Suggests a condition to secure the required sustainability measures to achieve level 4 of the Code for Sustainable Homes.

- 5.11 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to minimise disruption to nearby residents during the construction process
- 5.12 **SCC Environmental Health (Contaminated Land)** - The site may be subject to historic land contamination and conditions are suggested to address this.
- 5.13 **SCC Ecology** – No objection. The vegetation on site has low biodiversity value. A condition is suggested to ensure site clearance works does not have a harmful impact on any nesting birds.
- 5.14 **SCC Trees** – No objection. There are no important amenity trees on the site and a condition is suggested to protected any adjoining trees.
- 5.15 **SCC Archaeology** – No objection or conditions suggested.
- 5.16 **City of Southampton Society** - No objection
- 5.17 **Southern Water** – No objection. Suggest a note to applicant on the decision notice to make the developer aware of the requirements to connect to the public sewer.

6. Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
 - i. The principle of development;
 - ii. The design of the proposal together with the impact on the character of the area;
 - iii. The impact on the amenities of neighbours of the site;
 - iv. The quality of the residential environment proposed;
 - v. Parking and highways;
 - vi. Sustainability and;
 - vii. Section 106 Mitigation and Viability.
- 6.2 Principle of Development
- 6.2.1 The principle of making more efficient use of previously developed land to provide residential development is acceptable. The site lies within an area of Low Accessibility for public transport and the Core Strategy supports residential development of between 35 and 50 dwellings per hectare within such locations. The proposed density of 46 dwellings per hectare accords with this. The application proposes 100% genuine family dwellings which is in accordance with policy CS16 of the Core Strategy. The principle of development is therefore, acceptable.
- 6.3 Design and Impact on the Character of the Area
- 6.3.1 In terms of layout, the terraced form of the dwellings and proposed series of plots closely reflects the pattern of existing development within the area. The dwellings would actively survey the central parking courtyard and the introduction of soft landscaping and trees would soften the development and prevent it from appearing car dominated. The two-storey scale and pitched roof design of the dwellings would also appear sympathetic to the character of the area. The

proposed design uses a varied materials palette to add interest to the development and would result in a positive appearance.

6.4 Impact on amenities of neighbours

6.4.1 Saved policy SDP1 of the Local Plan seeks to protect the amenities of existing residents and the Residential Design Guide Supplementary Planning Document (RDG) builds on this by setting out guidelines for separation distances between new and existing development. Whilst the development is surrounded by residential properties, the proposed layout adheres to the separation distances set out in the RDG. The resultant 'back-to-back' relationships exceeds those set out in the RDG, as does the separation between the side elevations of the proposed dwellings and the rear elevations of the properties fronting Oakley Road.

6.4.2 Whilst the development would result in additional overshadowing of the neighbouring gardens, the gardens would continue to enjoy access to sunlight and daylight for the majority of the day. The side elevations of the properties are designed to have a light-colour treatment to the upper floors which would provide some reflective light and prevent the dwellings from appearing unduly oppressive when viewed from neighbouring gardens. Amended plans are sought to hip the roof of the proposed dwellings which would reduce the massing of the development when viewed the neighbouring properties. No habitable room windows are proposed to the side elevations of the dwellings and a condition is suggested to secure obscure glazing to the windows which would be inserted to the side elevations. Whilst the development would result in a change of outlook for existing residents compared with the existing situation, the development does comply with adopted policies and guidance and is therefore considered to be acceptable in this respect.

6.5 Quality of the Residential Environment

6.5.1 Each dwelling would be served by a private and useable back garden which complies with the garden size standards set out within the RDG. The dwellings would also benefit from an area of defensible space to the frontages to ensure that ground floor accommodation would be suitably private. The proposed dwellings would also enjoy a good level of outlook from habitable room windows. The proposed refuse storage would be located conveniently in relation to the public highway as well as the kitchens within the dwellings. The proposed cycle storage would be sufficiently secure and external pathways ensure the storage is suitably accessible.

6.6 Parking and Highways

6.6.1 The proposed car parking spaces relate well to the dwellings that they serve and the provision of 12 spaces provides one space for each of the proposed dwellings as well as provision for 2 visitor space. This level of car parking complies with the adopted maximum car parking standards. The development makes use of an existing vehicular access which is sufficiently wide to comfortably accommodate pedestrians and vehicles simultaneously. As part of the section 106 agreement, a series of off-site highway works will be sought which will result in an improvement to the existing access arrangements. As such, the Council's Highways Team have raised no objection to the proposal and the scheme is considered acceptable in highway safety terms.

6.7 Sustainability

6.7.1 The development has been designed to meet level 4 of the Code for Sustainable Homes in accordance with the requirements of the Core Strategy. The development would make use of photovoltaics to achieve the required savings in carbon dioxide emissions. The development is therefore, considered to be acceptable in this respect.

6.8 Section 106 and Viability

6.8.1 The applicants have agreed to enter into a S.106 legal agreement with the Council. The application is, however, supported by an up-to-date viability appraisal of the proposal that concludes that a full S.106 contribution makes the delivery of the scheme non-viable on a commercial basis. A scheme's viability is a material consideration where it is directly linked to housing delivery. The applicant's submitted appraisal will need to be independently tested before the Council can agree to waive any of its normal requirements. It is recommended that the Planning and Development Manager be delegated power to vary relevant parts of the Section 106 agreement following the outcome of the viability appraisal. As part of these negotiations due weight will be afforded to the applicant's offer that the 10 dwellings shall be provided as 'affordable' although only 2 are technically required to meet policy.

7. Summary

7.1 The proposed development would be sympathetic to the character of the area and would provide a high quality residential environment for future occupants. The development complies with the Council's standards which seek to protect residential amenity and the provision of 10 affordable, family dwellings is welcome.

8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report and signing of the S.106 planning agreement, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (c) (d), 4 (b) (f), 6 (a) (i), 7 (a), 8 (a), 9 (a)

JT for 11/12/12 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no

development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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. APPROVAL CONDITION - Construction Method Statement [Pre-commencement condition]

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 Statement (CMS) for the development. The CMS 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 demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during demolition and construction will be mitigated. The approved CMS 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

05. APPROVAL CONDITION - Tree Retention and Safeguarding [Performance Condition]

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition,

excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Reason:

To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

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

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

- i. proposed finished ground levels or contours; 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);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

Reason:

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

07. APPROVAL CONDITION - Refuse & Recycling Bin Storage [performance condition]

The storage for refuse and recycling shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason:

In the interests of the visual appearance of the building and the area in general.

08. APPROVAL CONDITION – Cycle Storage [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the external appearance of the cycle storage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the storage thereafter retained as approved.

Reason:

To promote cycling as an alternative mode of transport to the private car

09. APPROVAL CONDITION - Amenity Space Access [performance condition]

The amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings hereby permitted and shall be retained with access to it at all times for the use of all occupiers of the development .

Reason:

To ensure the provision of adequate amenity space in association with the approved dwellings.

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

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking shall be retained for that purpose and not used for any commercial activity.

Reason:

To ensure a satisfactory form of development.

11. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

12. APPROVAL CONDITION - Ecological Mitigation Measures [Pre-Commencement Condition]

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

Reason:

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

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

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

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

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

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

Reason:

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

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

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

Reason:

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

15. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

16. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, 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).

17. APPROVAL CONDITION – Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To ensure that the development does not adversely impact on the public sewer system

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

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

Reason:

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

19. APPROVAL CONDITION- Obscure Glazing [performance condition]

The windows in the side elevations of the dwellings hereby approved, above ground floor level, shall be fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of the privacy of the neighbouring properties and the amenities of the prospective occupants of the development.

20. APPROVAL CONDITION – No other windows [performance condition]

No other windows shall be located in the side elevations, above ground floor level of the dwellings hereby approved unless they are fixed shut and obscurely glazed up to a height of 1.7 metres from the internal floor level and thereafter retained in this manner.

Reason:

In the interests of residential amenity

21. APPROVAL CONDITION - 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.

Note to Applicant

1. Connection to Public Sewer

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

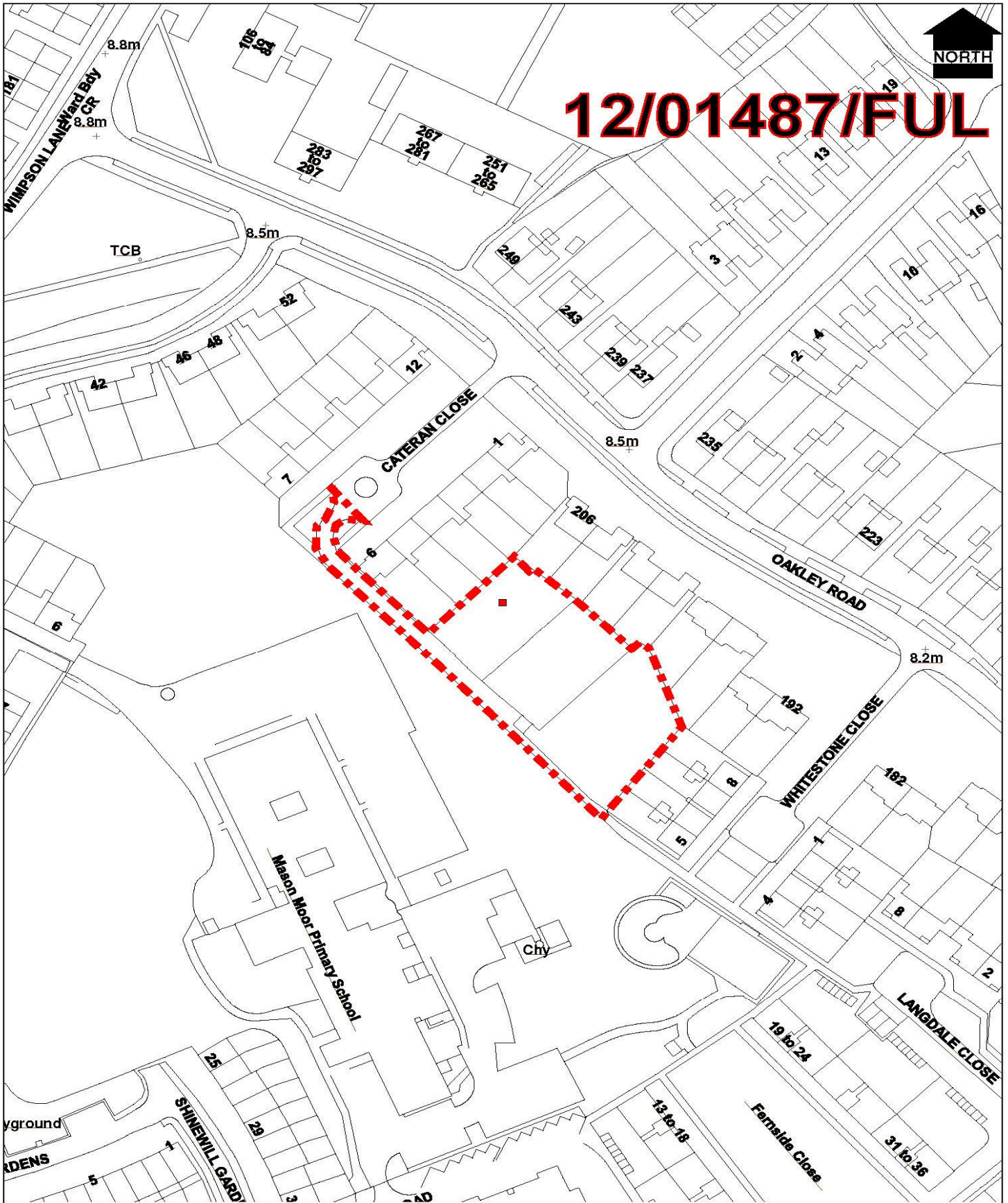
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H6	Housing Retention
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

National Planning Policy Framework March 2012



Scale : 1:1250

Date 28 November 2012

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Agenda Item 12

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: 2-8 Queensway and adjoining area of public highway			
Proposed development: Redevelopment of the site to provide 34 flats (9 x one bedroom, 19 x two bedroom and 6 x three bedroom) in a 7-storey building, 7 x four bedroom 4-storey houses, 3 x two bedroom 2-storey houses and 132 square metres of commercial floorspace (Class A1, A2 or A3) with associated car parking and alterations to the public highway (includes stopping up of part of the highway/right of way).			
Application number	12/01262/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	15 minutes
Last date for determination:	20.11.12	Ward	Bargate
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr Bogle Cllr Tucker Cllr Noon

Applicant: Raglan Design And Build Limited	Agent: Design ACB
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other guidance as set out on the attached sheet. Other material considerations such as those listed in the report to the Planning and Rights of Way Panel on the 11.12.12 do not have sufficient weight to justify a refusal of the application. The proposal would be in keeping with the site and surrounding properties and would not have a harmful impact on the amenities of neighbouring occupiers. Where appropriate planning conditions have been imposed to mitigate any harm identified. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, planning permission should therefore be granted taking account of the following planning policies:

“Saved” Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, H1, H2, and H7 of the City of Southampton Local Plan Review - Adopted March 2006 as supported by the adopted LDF Core Strategy (2010) Policies CS4, CS5, CS13, CS16, CS19, and CS20 and the Council’s current adopted Supplementary Planning Guidance. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. A financial contribution and/or the implementation and maintenance of an agreed series of site specific transport improvements under S.278 of the Highways Act with implementation prior to first occupation in line with Policy SDP4 of the City of Southampton Local Plan Review (March 2006) as supported by adopted LDF Core Strategy policies CS18 and CS25.
 - ii. A financial contribution towards strategic transport improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards the relevant elements of open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - iv. The provision of affordable housing in accordance with adopted LDF Core Strategy Policy CS15.
 - v. 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.
 - vi. A financial contribution towards public realm improvements within the city centre, as part of the North/South Spine Strategy, in accordance with policies CS13 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005).
 - vii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - viii. The funding of a Traffic Regulation Order (TRO) required for the off-site highway works on Queensway.
2. That the Planning and Development Manager be given delegated authority to add to, delete or vary planning conditions and relevant parts of the Section 106 agreement.
3. That the Panel authorise the stopping up of the areas of public highway set out in the application.
4. In the event that the legal agreement is not completed within two months of the Panel meeting the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site currently comprises two-storey, brick-built warehouse

buildings which are currently vacant and were last used as a nightclub. The site lies within the city centre and is within close proximity to the High Street, Oxford Street and Queen's Park. The existing buildings have a poor visual appearance within the street scene and their low-rise nature contrasted against the broad width of Queensway, creates a road-dominated impact.

- 1.2 The site is located on the corner of Queensway and Briton Street and lies opposite the Fruit and Vegetable Market which is identified as a key site for major development within the Council's emerging City Centre Action Plan and Masterplan. The site's context is varied in terms of character and uses. The site backs onto Brunswick Square which contains a mix of commercial uses including a social club and rubber manufacturer and is identified for light industrial uses within the Local Plan. Immediately adjoining the site on the Briton Street frontage, is the five-storey office building of Briton House. To the south of the site, also on Briton Street, is the 12-storey residential development of Oceana Boulevard.

2. Proposal

- 2.1 The application seeks full planning permission to redevelop the site to provide a combination of houses and flats with different unit types as well as a ground floor commercial use to the corner of the site. The scheme has been amended since originally submitted to alter the mix of accommodation within the flatted block by reducing the proportion of three-bedroom units and therefore increasing the overall number of units proposed.
- 2.2 The proposal includes a terrace of seven, four-storey townhouses fronting Queensway, which would have private rear garden spaces containing purpose built cycle storage. To the front of the properties, a small area of defensible space would be provided which contains purpose built refuse storage. The boundary to the street frontage would be demarcated by 1 metre high railings. These dwellings would each have four bedrooms and a rear facing roof terrace. In terms of appearance, the dwellings would have a zinc, mono-pitched roof set behind a parapet wall and a glazed stair core which delineates the separate plots. In terms of materials, it is proposed to use a dark brick base and a trio of buff bricks to the elevations of the different houses.
- 2.3 To the rear of the terraced houses, three, two-storey mews houses would be provided fronting onto Brunswick Square. These units are designed with an integral garage and an amenity space deck over this. These units have a low-rise, flat roof design and take their outlook chiefly from Brunswick Square. A similar material treatment is proposed for these houses to the remainder of the development.
- 2.4 To the corner of Queensway and Briton Street, a block of 34 flats would be provided which contains a mix of 1, 2 and 3 bedroom units. This block ranges from five to seven storeys in height, although the top floor is set back from the parapet of the building. The commercial unit would occupy the ground floor of the flatted block and it is proposed that this could be used for either retail, office/financial professional services or cafe/restaurant. The development would have a contemporary architectural appearance and in terms of external materials it is proposed to use a trio of facing bricks and elements of cladding for detail.
- 2.5 In terms of car parking, the two-storey houses would each be served by an

integral garage and the block of flats would be served by 10 car parking spaces to the rear of the site, accessed from Brunswick Square. As part of the section 106 agreement, works would be carried out to Queensway to relocate the existing bus stop further down the street and provide a new run of 21 on-street car parking and tree-planting. Subject to due process, it is anticipated that these spaces would become part of a residents parking permit scheme during the evening and retained for general parking use within the day. In addition to this, the application also involves the stopping up of part of the public footway on Queensway. This land would become part of the development site.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The site lies within the defined city centre and policies CS1 of the Core Strategy and MSA1 of the Local Plan Review seek high quality developments within the city centre. The site lies within an area of High Accessibility to Public Transport (Public Transport Accessibility Level 6)
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4. Relevant Planning History

- 4.1 Historically the site was used as a warehouse and in 1986 planning permission was granted for the use of the building as a nightclub (reference 860682/M). There have been subsequent planning applications approved to extend and alter the existing building and increase the hours of opening.

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 (11.10.12) and erecting a site notice (01.11.12). At the time of writing the report **3** representations have been received from surrounding residents. The following is a summary of the points raised:
- 5.2 ***The height of the block of flats will result in a loss of daylight to the nearby residential development of Oceana Boulevard and also result in overlooking of these flats.***

5.3 **Response**

The proposed development lies to the north of the nearby development of Oceana Boulevard and therefore it is not considered the proposal would have a harmful impact in terms of over-shadowing. The Residential Design Guide Supplementary Planning Document does not set out standards for privacy distances between residential development across the streets but that said, the proposed separation distance of just over 17 metres is typical of other developments within the vicinity of the site, including between Goldsmiths Court and Telephone House and also Castle Place. The proposed relationship, is therefore considered to be acceptable in this respect.

5.4 ***The loss of public car parking on Queensway together with the insufficient amount of parking to serve the proposed development and the increase in residents will place pressure on the surrounding streets.***

5.5 **Response**

The site lies within an area of High Accessibility to public transport and having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport. The provision of less car parking than the maximum standard is therefore considered to be acceptable. As part of the section 106 agreement it is proposed to increase the number of parking spaces on Queensway. It is anticipated that these spaces would become part of a Resident's Car Parking Permit Scheme but this is subject to agreement outside of the planning process.

5.6 ***An A3 use on the ground floor is likely to generate odour disturbance and littering in the area and could increase noise and crime within the area.***

5.7 **Response**

A condition is recommended to secure adequate extract equipment before the ground floor unit is occupied as a cafe or restaurant use and the Pollution and Safety Team have raised no objection to the proposal on this basis. It is not considered that a restaurant or cafe use would necessarily generate additional littering within the area and it is important to note that the application does not include proposals for a hot food takeaway use. When compared with the current lawful use of the site as a nightclub, it is considered that the provision of a smaller restaurant or cafe use, is a significant betterment in planning terms.

5.8 ***A communal satellite dish or antennae should be provided to prevent proliferation of individual satellite dishes on the building.***

5.9 **Response**

It is not within the remit of planning to require the provision of a communal satellite antennae, a condition is however suggested to remove permitted development rights to prevent the ad hoc addition of aerials and antenna on the street frontages and roofs.

5.10 ***The demolition and construction will result in disturbance to neighbouring residents and businesses due to the generation of dust and noise and the parking of contractors vehicles.***

5.11 **Response**

A condition is suggested to secure a Demolition and Construction Management

Plan which will minimise disruption during the demolition and construction process.

Consultation Responses

- 5.12 **SCC Highways** - No objection. The site is highly accessible and so dependence on car for travel is reduced. Furthermore, the residents would have access to the City Car Club scheme. The parking policy for the city centre is under review and it is being investigated whether the on-street car parking bays can become part of a residents car parking permit scheme. The application proposal is acceptable in highways terms whether or not this scheme comes to fruition.
- 5.13 **SCC Housing** – The development is led by a Registered Provider of Affordable Housing and will provide above the required 35% (15 units) Affordable Housing units. The Housing Team are therefore supportive of the proposal.
- 5.14 **SCC Sustainability Team** – No objection. The application has been designed to meet level 4 of the Code for Sustainable Homes. A condition is suggested to secure this and to investigate the feasibility of incorporating green roofs.
- 5.15 **SCC Architect’s Panel** – Support the proposal. Consider that the application is a well thought through scheme which would make a good contribution to the city centre and includes a good mix of different unit typologies.
- 5.16 **SCC Environmental Health (Pollution & Safety)** - No objection. Suggests conditions to secure a glazing specification to protect prospective residents from external transport noise and to reduce disruption to neighbours of the site during the construction process.
- 5.17 **SCC Environmental Health (Contaminated Land)** - No objection. Suggests conditions to deal with any land contamination risks.
- 5.18 **SCC Archaeology** - No objection. There is a high potential for archaeology to survive within the site and conditions are therefore suggested to secure the appropriate investigation and work programme.
- 5.19 **SCC Ecology** – No objection. Suggest a condition to secure protection for any nesting birds that may be accommodated in some of the vegetation on site.
- 5.20 **SCC Rights of Way Officer** - No objection.
- 5.21 **BAA** – No objection. Suggest a condition to secure a bird hazard management plan.
- 5.22 **City of Southampton Society** - Welcomes the redevelopment of this neglected site and in particular the mix of private and social housing.
- 5.23 **Southern Water** – No objection. Suggest a note to applicant to be attached to the decision which draws attention to the application requirements to connect to the public sewer and to the water supply. A condition is suggested to secure details of surface and foul water disposal.

6. Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on residential amenity;
- iv. The quality of the residential environment proposed;
- v. Parking and highways;
- vi. The Sustainability of the proposal and;
- vii. Mitigation of direct local impacts and Affordable Housing.

6.2 Principle of Development

6.2.1 The policies of the Core Strategy and saved policies of the Local Plan support the principle of making efficient use of city centre, previously developed sites to provide mixed use developments. The proposed mix of residential and commercial would introduce activity and enhance the vitality of the area. Bringing a vacant and underused city centre site back into active use is welcome.

6.2.1 The application proposes a residential density of 269 dwellings per hectare in accordance with Core Strategy policy CS5, which recommends densities of over 100 dwellings per hectare in this location. The development proposes a genuine mix of accommodation and includes the provision of 29% family sized units which is slightly less than the target of 30% set out by policy CS16 of the Core Strategy. That said, policy CS16 confirms that within high density areas, such as the city centre, a lower percentage of family units could be acceptable. Having regard to the genuine mix of accommodation that would be achieved and the constrained nature of the site, the provision of 13 family housing units is therefore considered to be acceptable in this instance. The principle of this form of development is acceptable.

6.3 Design and Impact on Character of the Area

6.3.1 As noted in the site description above, the current appearance of the site is poor and highway dominated and furthermore, the vacant and commercial units within the street results in an absence of activity outside of daylight hours. The proposed development provides an active street frontage to Queensway and the contemporary terrace of housing provides a modern interpretation of the historic housing and plot series which can be found within the city centre. The introduction of housing to Brunswick Square would provide natural surveillance of the public highway which would represent an improvement in terms of reducing opportunities for crime and anti-social behaviour.

6.3.2 The proposed scale of the development would assist in providing a strong and positive built edge to Queensway. The seven storey element with an active ground floor commercial use, creates a focus to the corner of the site and moreover, is sympathetic to the taller context of buildings found on Briton Street. The top floor of the flatted block is set back which reduces the overall height but also provides a successful finish to the top of the building. It is appropriate to reduce the scale of buildings to the rear of the site, fronting Brunswick Square, which is not a main street.

6.3.3 The different unit typologies proposed adds visual interest to the appearance of

the development, and overall the development would have a cohesive appearance with well proportioned and balanced elevations. The application of materials and use of recessed fenestration, inset balconies and varied roof heights, successfully articulates the development. Furthermore, the submitted information provided in relation to the proposed external materials finish and detailed design elements, indicates that a high-quality development would be achieved.

- 6.3.4 Consideration has been given to how the current proposal would work in terms of the future development of the wider area, including the Fruit and Vegetable Market site opposite. The information contained within the submitted Design and Access Statement demonstrates that the proposal would not prejudice the future development of neighbouring and nearby sites. Moreover, it is considered that the quality of the scheme would set a benchmark for future proposals within the area.
- 6.3.5 Overall it is considered that the proposed development would represent a significant improvement to the character of the area and would have a high quality appearance that befits this city centre site.

6.4 Impact on Residential Amenity

- 6.4.1 Whilst the application site is currently vacant, the lawful use of the site is a nightclub and the removal of this use is considered to represent a significant benefit to the amenities of nearby residents. In terms of the relationship between the proposed flatted block and Oceana Boulevard, as stated above, the 17 metre separation distance between the proposed flats and the neighbouring residential block is typical of relationships between flatted blocks within the vicinity of the site and the city centre as a whole. Furthermore, since the development is north of the residential neighbour, no harmful impact would occur in terms of overshadowing. It is therefore considered that the proposal is acceptable in residential amenity terms.

6.5 Quality of Residential Environment

- 6.5.1 The application proposes an innovative approach to incorporating housing within a constrained city centre site. Whilst separation distances and the quantum of amenity space is not strictly in accordance with Residential Design Guide Standards, the development still provides a high-quality residential environment. Furthermore, it is important to note that the RDG builds in flexibility when considering proposals in denser locations such as the city centre.
- 6.5.2 The two-storey mews houses do not incorporate traditional back gardens and instead are served by first floor terraces. The terraces provide usable, good-quality, private space which directly relates to the dwellings' living areas. Furthermore, since these units are not family size units with 3 or more bedrooms, the provision of less amenity space is considered to be acceptable. The mews houses are designed to avoid any overlooking of the proposed terraced houses and gardens. The low-rise nature of the mews houses and the greater floor-to-ceiling height of the ground floor, rear-facing accommodation within the terrace houses, ensures that outlook from these rooms would not be compromised. Occupants of the terraced houses would have access to private rear gardens and a useable top-floor terrace, providing a choice of external spaces. All but six of the one-person flat units have access to a private balcony. Furthermore, the development would also benefit from good access to the public open space in Queen's Park.

6.5.3 In terms of layout, all units with a ground floor, street frontages have an area of defensible space between the building and the public highway to provide privacy and security for future occupants. A survey of external noise sources has been carried out and submitted with the application and based upon this information, the Pollution and Safety Team are satisfied that the future occupants of the development would not be adversely affected by noise. Furthermore, whilst the adjacent land within Brunswick Square is currently identified for light industrial uses by the saved policies of the Local Plan, it is anticipated that the nature of this area will change over time to introduce more of a mix of uses. Cycle and refuse storage and collection has been designed into the proposal to an acceptable standard.

6.6 Parking and Highways

6.6.1 The application proposes works to stop up a section of the public footway on Queensway which will form part of the development site. These works will still enable a public footway of a sufficient width to be retained and therefore, the Highways Team have raised no objection to this aspect of the scheme.

6.6.2 The proposed parking on Queensway would not be directly provided for the sole benefit of the proposed development. Subject to a review of the Council's parking policy for the city centre and the necessary Traffic Regulation Order being in place, it is anticipated that these spaces could be used by future residents who hold a parking permit. The Highways Team have advised that whilst the establishment of a parking permit scheme would be of benefit to future occupants of the development, were it not to be created, the level of car parking proposed would still be acceptable.

6.6.3 The policies within the Core Strategy and Local Plan Review seek to reduce the need to travel by private car and set out that controlling the level of car parking is a key factor in ensuring more sustainable modes of travel. As the site lies within an area of High Accessibility to public transport (Public Transport Accessibility Level 6), the provision of 10 car parking spaces is in accordance with the adopted maximum car parking standards. Having regard to the city centre location of the site which is within walking distance of services and facilities and good access to public transport, the proposal is therefore considered to be acceptable. The proposal accords with central and local planning policies which seek to increase residential densities in the most sustainable locations.

6.7 Sustainability

6.7.1 A pre-assessment estimator for the Code for Sustainable Homes has been submitted with the application and demonstrates that the development will meet level 4, in accordance with policy CS20 of the Core Strategy. The development has been designed to minimise its demand for resources in terms of the orientation of habitable rooms. In addition to this, the applicant is investigating the potential for the development to connect to the nearby Holyrood Estate CHP generator. Conditions are suggested to ensure that the required sustainability measures are fully incorporated into the development.

6.8 Mitigation of direct local impacts and Affordable Housing

6.8.1 The development triggers the need for a S.106 Legal Agreement to secure appropriate off-site contributions towards open space and highway infrastructure improvements in accordance with Core Strategy Policy CS25. The applicants

have confirmed their willingness to enter into the necessary obligations to mitigate against the scheme's direct local impacts. Subject to the completion of the legal agreement, the proposal is therefore considered to be acceptable.

7. Summary

7.1 The proposed development makes good use of previously developed land to provide a genuine mix of accommodation on a city centre site. The proposal successfully responds to the constraints of the site and would have a positive visual impact on the area.

8. Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

1 (a), (b), (c), (d), 2 (b), (c), (d), 3(a), 4 (f), (v) 6 (a), (c), (f), (i), 7 (a)

JT for 11/12/12 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

02. APPROVAL CONDITION - 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 and demolition works, no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors 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.

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

Notwithstanding the submitted details before the commencement of any site works,

excluding site clearance and demolition, a detailed landscaping scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority which includes:

- i. proposed finished ground levels or contours; 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);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

Reason:

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

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

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

Reason:

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

05. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [Pre-Commencement Condition]

A restaurant or cafe use within the ground floor commercial unit shall not commence until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and findings.

Reason:

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

06. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

With the exception of demolition to the existing ground floor slab, 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.

07. 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.

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

No development shall take place within the site apart from demolition to the existing ground floor level until the type and dimensions of all proposed groundworks (including details of foundations, ground beams, all services etc) have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

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

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

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

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site

and allowing for potential risks (as identified in phase 1) to be assessed.

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

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

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

Reason:

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

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

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

Reason:

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

11. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

12. APPROVAL CONDITION - Code for Sustainable Homes [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 Level 4 of the Code for Sustainable Homes in the form of post construction assessment and certificate as issued by a legitimate certification body, 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).

13. APPROVAL CONDITION - Construction and Demolition Method Statement [Pre-commencement condition]

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 Demolition and Construction Method Statement (DCMS) for the development. The DCMS 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 demolition and construction and their reinstatement where necessary; (e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction; (f) details of demolition and construction vehicles wheel cleaning; and, (g) details of how noise emanating from the site during demolition and construction will be mitigated. The approved DCMS 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.

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

15. APPROVAL CONDITION - Foul and Surface Water Disposal [pre-commencement condition]

Prior to the commencement of the development hereby approved, full details of means of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority in writing. The development shall proceed in accordance with the agreed details.

Reason:

To secure a satisfactory form of development.

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

Before the commercial use is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable

bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for commercial purposes.

Reason:

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

17. APPROVAL CONDITION - Cycle and Refuse Storage [performance condition]

Before the development hereby approved first comes into occupation, the cycle and refuse storage shall be provided in accordance with the plans hereby approved. The storage shall thereafter be retained as approved.

Reason:

To secure an acceptable residential environment.

18. APPROVAL CONDITION - Hours of Use - Class A3 use [Performance Condition]

The Class A3 use hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the hours of 0700 to midnight on any day.

Reason:

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

19. APPROVAL CONDITION - Active frontages [Performance Condition]

Notwithstanding the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the ground floor commercial uses shall retain an 'active window display' along the length of the shop frontages hereby approved (ie. without the installation of window vinyls or roller shutters) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene.

20. APPROVAL CONDITION - Amenity Space Access [performance condition]

The garden and amenity space areas shown on the plans hereby approved, and pedestrian access to it, shall be made available as amenity space prior to the first occupation of the dwellings and flats to which they relate and shall be retained with access to it at all times for the use of all occupiers of the respective dwellings.

Reason:

To ensure the provision of adequate amenity space in association with the approved dwelling.

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

Prior to the occupation of the development hereby approved both the access to the site and the parking spaces for the development shall be provided in accordance with the plans hereby approved. The parking and integral garages shall be retained for that purpose.

Reason:

To ensure a satisfactory form of development.

22. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by classes A (extensions), B (roof alterations), C (other roof alterations), D (porches), E (outbuildings, enclosures or swimming pools) and F (hard surfaces) of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In order to protect the amenities of the locality and to maintain a good quality environment and in order to ensure that sufficient private amenity space remains to serve the dwellings.

23. APPROVAL CONDITION – No other windows [performance condition]

Unless the Local Planning Authority agree otherwise in writing and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, in relation to the development hereby permitted, no windows, doors or other openings shall be constructed in the dwellings above ground floor level other than those expressly authorised by this consent.

Reason:

In order to protect the amenity and privacy of neighbouring properties.

24. APPROVAL CONDITION- Green roof feasibility study (Pre-Commencement)

A detailed feasibility study for a green roof must be submitted and agreed in writing with the Local Planning Authority before development commences on each phase of the development hereby approved, apart from site clearance and demolition works. If the study demonstrates the site has the capacity for the green roof, a specification shall be agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the buildings to which the green roofs relate and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run off in accordance with core strategy policy CS20 (Tackling and Adapting to Climate Change) and CS23 (Flood risk), combat the effects of climate change through mitigating the heat island effect in accordance with policy CS20, enhance energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22 (Promoting Biodiversity and Protecting Habitats), contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13 (Design Fundamentals), and improve air quality in accordance with saved Local Plan policy SDP13.

25. APPROVAL CONDITION - Bird Hazard Management Plan [pre-commencement condition]

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 gulls on flat/shallow pitched roofs. The method statement shall be implemented as approved.

REASON

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

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

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

Reason:

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

27. APPROVAL CONDITION - Glazing - soundproofing from external traffic noise [Pre-Commencement Condition]

Works pursuant to this permission shall not be commenced until a scheme for protecting the proposed flats and houses from traffic noise from Queenway and Briton Street has been submitted to and approved by the local planning authority in writing. Unless otherwise agreed in writing, that scheme shall specify 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

There must be no trickle vents installed in any case. For ventilation purposes in all cases, provision of acoustically treated 'BBA' 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:

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

28. APPROVAL CONDITION – Removal of permitted development [performance condition]

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (as amended), or any Order revoking or re-enacting that Order, no development permitted by Class H of Schedule 2 (satellite antenna) and part 24 (development by telecommunications code system operators) of the Order, shall be carried out without the prior written consent of the Local Planning Authority for the dwellings hereby approved.

Reason:

In the interests of the visual amenity of the area.

29. APPROVAL CONDITION - 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.

Note to Applicant

1. Connection to the Public Sewerage System

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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS4	Housing Delivery
CS6	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
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

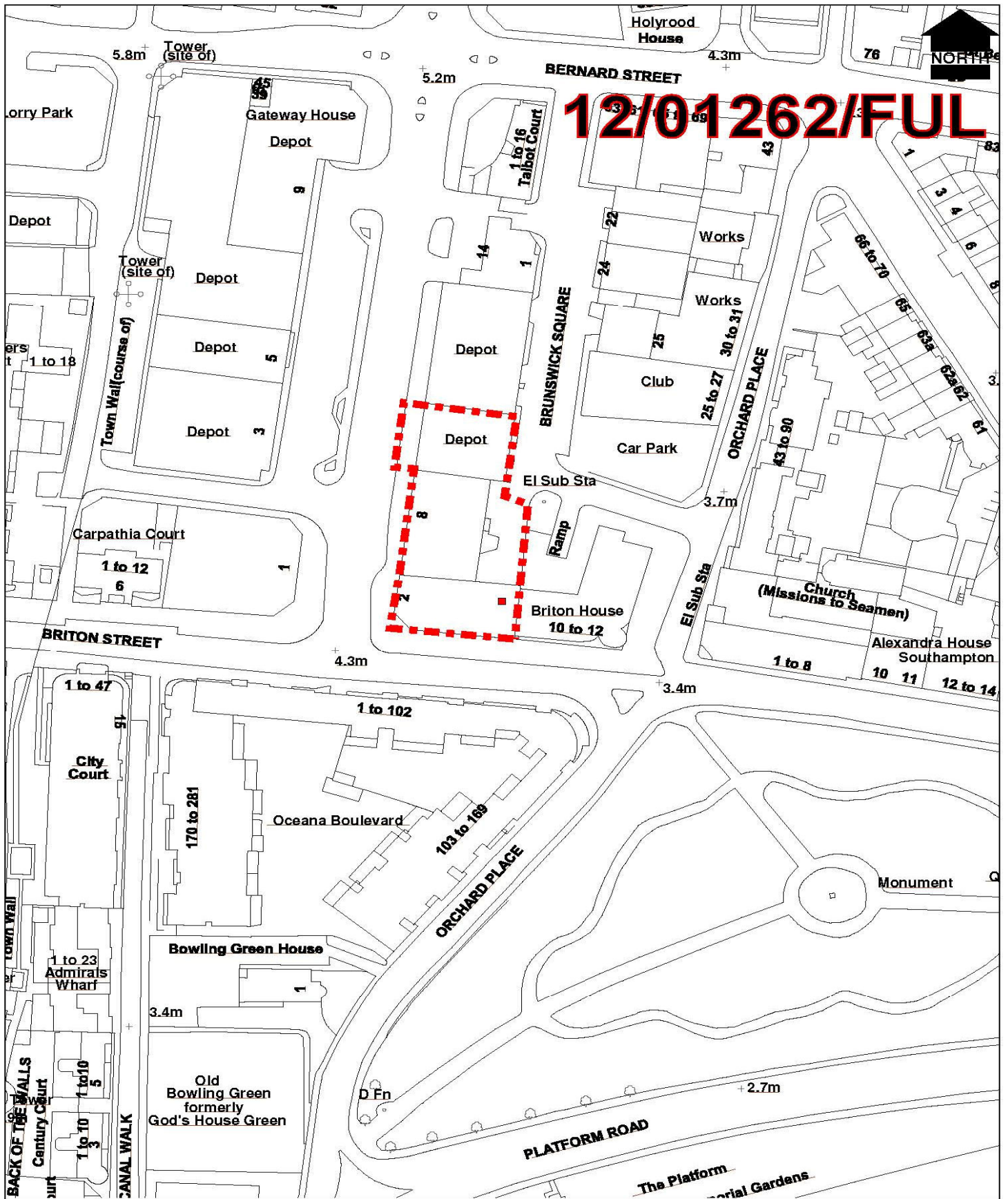
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
HE6	Archaeological Remains
CLT6	Provision of Children's Play Areas
CLT7	Provision of New Public Open Space
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
MSA1	City Centre Design

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - August 2005 and amended November 2006)
Parking Standards (September 2011)

Other Relevant Guidance

The National Planning Policy Framework



Scale : 1:1250

Date 28 November 2012

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Agenda Item 13

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: NXP Semiconductors, Second Avenue			
Proposed development: Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.			
Application number	12/00975/OUT	Application type	OUT
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	28/09/2012 (13 week date)	Ward	Redbridge
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread

Applicant: Diageo Pension Trust/Cordea Savills	Agent: Michael Sparks Associates Fao Mr Ashley Chambers
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed development is considered to comply with the policy designation as an employment site and further details will be provided through the reserved matters applications. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions and a S.106 legal agreement as detailed in the report to Panel on 11th December 2012. Other material considerations do not have sufficient weight to justify a refusal of the application. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' policies SDP1 (Quality of Development), SDP4 (Development Access), SDP5 (Parking), SDP7 (Context), SDP9 (Scale, Massing and Appearance), SDP10 (Safety & Security), SDP22 (Contaminated Land) and REI9(iii) (Industry & Warehousing) of the City of Southampton Local Plan Review (Adopted 2006), and policies CS6 (Economic Growth), CS7 (Safeguarding Employment Sites), CS13 (Fundamentals of Design), CS18 (Transport), CS19 (Car & Cycle Parking), CS20 (Tackling & Adapting to Climate Change), CS24 (Access to Jobs) and CS25 (Delivery of Infrastructure) of the City of Southampton Local Development Framework Core Strategy (Adopted 2010) as supported by the Council's current adopted Supplementary Planning Guidance.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

- 1) Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions or S.278 agreements (if necessary) towards site specific transport contributions for highway improvements in the vicinity of the site;
 - ii. CCTV & Community Safety Scheme of Works;
 - iii. Public Art Scheme;
 - iv. Employment and Skills Plan;
 - v. Construction Traffic Management Plan;
 - vi. Green Travel Plan
 - vii. 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.

In the event that the S.106 Legal Agreement is not completed within 2 months from the date of this Panel meeting delegated authority be given to the Planning and Development Manager to refuse the application for failing to secure the S.106 legal agreement mitigation measures listed above.

- 2) That the Planning and Development Manager be given delegated powers to vary relevant parts of the Section 106 agreement (including following ongoing discussion and/or the receipt of an independently verified viability assessment) and to remove, vary or add conditions as necessary.

1.0 The site and its context

The 4.21 hectare application site boundary is marked by a 2 metre high pallusade fence. The site itself is currently vacant but was last used by NXP semi-conductors and before them Philips. The existing buildings have a combined floorarea of 23,375sq.m and are of simple two-storey design. The site itself is dominated by the central surface car parking, which is partly screened by existing planting and the boundary fencing.

2.0 Proposal

- 2.1 Outline planning permission is sought to establish the principle of replacing the existing employment buildings with a revised layout. More flexibility in terms of the replacement employment uses is also sought and will depend on the expressions of interest received. The application seek permission for a maximum of 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8). This represents a reduction in floorspace of approximately 3,000sq.m.
- 2.2 All matters are reserved for later consideration and a parameter plan has been submitted with indicative proposals to demonstrate a number of different working solutions.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is allocated for employment uses under Policy RE19(iii).
- 3.2 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. In this instance the application will be conditioned to ensure it meets BREEAM ‘Excellent’.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

4.0 Relevant Planning History

The relevant planning history for this site is attached at **Appendix 2**.

5.0 Consultation Responses and Notification Representations

- 5.1 The applicants undertook a public consultation event of their own on 18th June 2012. Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (12.07.2012) and erecting a site notice (09.07.2012).
- 5.2 As part of the application process it became apparent that the applicants (long term leaseholders) had not given the necessary notice to the landowner (freeholder) and a further 21 day period for comment was given to ensure that the freeholder had time to consider the application. At the time of writing the report **1 objection** has been received from the freeholder. The following planning related concerns are raised:
- The transport assessment is flawed. The TRICS data shows a potential increase in HGV movements of about 10 per hour. However, there is no baseline detail, distribution of these movements or quantification of the impact of additional HGVs on the network. Until this examination is corrected it is difficult to conclude that the scheme will not be harmful to highway safety and the Council’s decision should be delayed. Furthermore, the road width is currently insufficient to allow two HGVs to pass, or indeed, a car and HGV to pass safely.
- 5.3 Response
Discussions are ongoing in respect of how best to access the site by HGV and can be resolved by the S.106 process and the applicants have provided additional information. The applicants have also confirmed that as the scheme will result in a reduction in traffic volume (despite an increase in HGV movements) no capacity assessments are required. The comments of the Highways Officer are reported

below and a further update can be given at the Panel meeting.

Consultation responses

- 5.4 **SCC Sustainability** - Objection removed following offer of BREEAM Excellent
- 5.5 **SCC Archaeology** - No objection subject to attached planning conditions.
- 5.6 **SCC Ecologist** - No objection
- 5.7 **SCC Contaminated Land** - The proposal is for the construction of a commercial development. This is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase. The history of Southampton City presents many potential contamination hazards to much of the land in its area. Land contamination hazards associated with the previous uses includes inorganic chemicals, metals and metalloid compounds and hydrocarbons. Consequently there exists the potential for such hazards to significantly impact upon the development. Therefore, it is recommended that; in accordance with policies SDP1 and SDP22 of The City of Southampton Local Plan Review - Adopted Version March 2006 and Para 121 of the National Planning Policy Framework - March 2012, if planning permission is granted, that conditions are attached.
- 5.8 *Note: A relevant objection has been raised to application 12/01109/FUL from the freeholder. The key issue with regards to the freeholders' comments relates to the potential for contaminants to be disturbed through the construction phase. A planning condition is currently recommended to mitigate against the effects of the construction phase and is currently deemed to be sufficient by officers despite the objection. This issue is, however, being reviewed by Environmental Health and an update will be given at the Panel meeting.*
- 5.9 **SCC Skills & Economy** - S.106 to include a 'Training & Employment Plan'
- 5.10 **SCC Highways** - There are some serious issues surrounding the proposed way in which HGVs are expected to access the site. The indications are that the HGVs will approach via Redbridge Road after doing a loop around the Millbrook Roundabout. The slip lane here is of inadequate dimensions to act as a deceleration lane, but S106 requirements could rectify this. I would therefore like the applicant to review the access arrangements and consider the route from the exit slip road off of Millbrook roundabout. This will result in the need for changing the one way system which currently operates, and cycle routes must be removed from the carriageway to the footpath/verge area, but this would in my opinion be a safer way of dealing with access and egress for all.
- 5.11 *Note: These discussions are ongoing and can be resolved through the S.106 site specific highway works*
- 5.12 **Hampshire Chamber of Commerce** - Support
- 5.13 **BAA** - no objection subject to Bird Hazard Management Plan
- 5.14 **Southern Water** - No objection subject to planning conditions

5.15 **HSE (PADHI+)** - Don't advise against development

5.16 **EA** - No objection

6.0 Planning Consideration Key Issues

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

- i) Principle of Development
- ii) Design and Landscaping
- iii) Impact on Residential Amenity
- iv) Highways
- v) S.106 Mitigation

Principle of Development

6.2 Policy REI9(iii) of the saved Local Plan Review safeguards the application site for employment uses, and is permissive of light industrial (B1c), research & development (B1b), general industrial (B2) and storage/distribution (B8). The current application proposes compatible uses but includes some 3,000sq.m of office (B1a). This is acceptable in principle as the existing Nicholson House (2,680sq.m) office block is to be demolished as part of these wider proposals. The likely job creation and the beneficial use of a vacant site is also welcomed.

Design & Landscaping

6.3 At this stage of the process the detailed design and landscaping proposals are reserved for future consideration. The Parameters Plan (30348/FE/120) confirms that any subsequent reserved matters proposal will be restricted by the following:
Building Height - between 7.5 and 15.5m
Building Width - between 10 and 150m

6.3.1 A building area and landscape buffer is identified so as to limit the impact of development on the site's existing frontages. The indicative layouts demonstrate that a solution using these parameters can be found that will be acceptable in principle.

Impact on Residential Amenity

The defined building area has retained the existing line of development along the Allington Road frontage. Given the existing built form in this location and the restrictions imposed upon the replacement building it is considered that there will be no significant harm caused by the proposals (even with the maximum tolerances being constructed along the western boundary). Detailed mitigation can be designed in at the reserved matters stage. The hours of use are unrestricted (as existing) and any nuisance will be dealt with through the statutory processes. No objections have been received from neighbours. As such the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

Highways

The level of car parking proposed (1/30sq.m B1a - 1/45sq.m B1c/B2 - 1/90sq.m B8 as set out in the SPD) will be controlled by a planning condition and is

consistent with policy maximums.

6.5.1 Means of access are reserved for a detailed design stage, although access points have been shown on the parameters plan. The applicants propose to improve access for HGVs and these works can be resolved through the S.106 process. That said, as the site is designated for employment uses (including B8) the LPA should be able to support the intended use and means of servicing that use as it is wholly policy compliant.

6.6 S.106 Mitigation

A scheme of this size is expected to mitigate against its direct impacts. The main contribution required concerns the site specific highway works to facilitate improved HGV movements. A training and employment plan will also form part of the S.106.

6.6.1 As the scheme proposes a replacement of employment uses there is unlikely to be any net increase in trips generated from the site and, as such, the S.106 will not seek a strategic highways contribution.

7.0 Summary

This outline planning application for a range of employment uses is consistent with the site's designation within the Local Plan Review. The re-configuration of the site to provide modern, useable floorspace is welcomed and brings a vacant employment site back into use. The key issue with regards to the freeholders' comments relate to the transport assessment and the increase in HGV movements on the network. These issues are still in discussion between the Council's Highways team and the applicant and are expected to be resolved amicably through the S.106 process.

8.0 Conclusion

The planning application complies with the planning policy designation and the principle of redevelopment has been assessed as acceptable. It is recommended that planning permission can be issued following the completion of a S.106 legal agreement to secure appropriate mitigation.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b & d, 4vv, 6a, c, e & l, 7a and 9a-b

SH2 for 11/12/12 PROW Panel

PLANNING CONDITIONS (12/00975/OUT) to include:

01. APPROVAL CONDITION - Outline Permission Timing Condition

Outline Planning Permission is hereby granted for the principle of up to 20,360sq.m of floorspace within use classes: non ancillary Office (B1a) – limited to a combined total of 3,000sq.m across the site - Light Industrial (B1c), General Industrial (B2) and/or Storage/Distribution (B8) subject to the following:

- (i) Written approval for the details of the following awaited reserved matters shall be obtained from the Local Planning Authority for each new building prior to any works associated with that building taking place on the site:
- the LAYOUT of the buildings on site and detailed siting of associated areas (including landscaping and parking),
 - the means of ACCESS (vehicular and pedestrian) to the site and the buildings with restrictions in place for associated HGV movements and access within Allington Road,
 - the APPEARANCE and architectural design specifying the external materials to be used,
 - the SCALE of the buildings indicating massing and building bulk,
 - and the LANDSCAPING of the site specifying both the hard, soft treatments, means of enclosures, lighting and their associated maintenance;
- (ii) An application for the approval of the outstanding reserved matters as they relate to all the new buildings shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission;
- (iii) The development hereby permitted shall be begun [either before the expiration of five years from the date of this Outline permission, or] before the expiration of two years from the date of approval of the last application of the reserved matters to be approved [whichever is the latter].

REASON:

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

Note to Applicant

As part of the reserved matters submission for individual buildings a site layout plan showing how the remainder of the site could be developed in a comprehensive manner within the limits of this permission will be expected.

02. APPROVAL CONDITION – Established Parameters

The development hereby approved shall be carried out only in accordance with the quantum of development and use, scale, access and siting details as set out on the Michael Sparks Associates 'Parameter's Plan' 30348/FE/120 dated May 2012.

REASON:

To define the extent of the planning permission and for the avoidance of doubt.

03. APPROVAL CONDITION - Parking

The parking to serve the development hereby approved shall not exceed the following 'maximum' standards unless otherwise agreed in writing with the Local Planning Authority through the submission of the reserved matters applications for each building:

1 space per 30sq.m of B1a office

1 space per 45sq.m of B1c light industrial and B2 general industrial

1 space per 90sq.m of B8 storage and distribution

REASON:

To define the extent of the planning permission and for the avoidance of doubt, whilst seeking to ensure an adequate amount of on-site parking is available whilst promoting alternative modes to the private car for travel.

04. APPROVAL CONDITION - BREEAM Standards (Commercial)

Unless otherwise agreed in writing by the Local Planning Authority (LPA), before the development of each building hereby approved commences written documentary evidence demonstrating that the development will achieve a minimum rating of 'Excellent' against the BREEAM (2011) standard shall be submitted to the LPA for its approval. The submission shall take the form of a design stage assessment.

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). In the event that an occupier is found that cannot meet BREEAM (2011) 'Excellent', as it requires significant refrigeration, mechanical processes or other high energy requirements that are not anticipated at this outline stage, this shall be taken into consideration by the LPA as part of the condition's sign off process following the receipt of adequate justification for doing so.

05. APPROVAL CONDITION – BREEAM Certification

Within 6 months of each building first becoming occupied written documentary evidence proving that the development has achieved the required rating against the BREEAM standard (as set out in the above planning condition) in the form of a post construction certificate as issued by a legitimate BREEAM certification body, 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).

06. APPROVAL CONDITION – Sustainable Drainage Systems (SUDS)

Prior to the commencement of development works for each building hereby approved a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

07. APPROVAL CONDITION – Surface Water Drainage

Construction of each building hereby approved shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and

approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall proceed in accordance with the agreed details,

REASON:

In the interests of proper planning and securing adequate means of drainage to serve the development as requested by Southern Water in their consultation response dated 24th July 2012.

08. APPROVAL CONDITION – Bird Hazard Management Plan

Development of each building hereby approved shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

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

Note to Applicant:

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

09. APPROVAL CONDITION – Archaeological investigation

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.

10. APPROVAL CONDITION – Archaeological work programme

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.

11. APPROVAL CONDITION- Land Contamination Investigation

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

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

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

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

REASON:

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

12. APPROVAL CONDITION - Use of uncontaminated soils and fill

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. APPROVAL CONDITION- Unsuspected Contamination

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

REASON:

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

14. APPROVAL CONDITION – Hours for Construction

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

Monday to Friday	08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays	09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

REASON:

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

15. APPROVAL CONDITION - Construction Method Statement

Prior to the commencement of any works associated with each building details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement (CMS) for the development. The CMS 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 routing; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved CMS 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.

16. APPROVAL CONDITION – Refuse & Cycle Storage

Details of refuse and cycle storage to serve each building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each building to which the storage will relate. The affected building shall be implemented in accordance with these agreed details prior to its first occupation with retention thereafter.

REASON:

To ensure adequate refuse and cycle storage in the interests of good site planning and the encouragement of sustainable development.

17. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

REASON:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

Notes to Applicant

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858600) or www.southernwater.co.uk

Environment Agency Commentary

The Environment Agency recommend (in their formal response by email dated 23rd July 2012) that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by land contamination;
- Refer to the Environment Agency guiding principles for land contamination for the type of information that they require in order to assess risks to controlled waters from the site;
- Refer to the EA website www.environment-agency.gov.uk for more information.

Indicative Plans

Whilst the indicative plans submitted have been used to demonstrate that the quantum of development can be accommodated on the site the Local Planning Authority has treated them as indicative for the purposes of the planning application and reserves the right to make further detailed comment on receipt of a reserved matters layout.

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS6 (Economic Growth)
CS7 (Safeguarding Employment Sites)
CS13 (Fundamentals of Design)
CS18 (Transport)
CS19 (Car & Cycle Parking)
CS20 (Tackling & Adapting to Climate Change)
CS24 (Access to Jobs)
CS25 (Delivery of Infrastructure)

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)
SDP4 (Development Access)
SDP5 (Parking)
SDP7 (Context)
SDP9 (Scale, Massing and Appearance)
SDP10 (Safety & Security)
SDP22 (Land Contamination)
REI9(iii) (Industry & Warehousing)

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)
Car Parking Standards (2011)

Other Relevant Guidance

National Planning Policy Framework (2012)

Relevant Planning History

Various permissions for ancillary works following the approval of a factory in the mid 1950s. Key permissions relevant to the current application would include:

12/01109/FUL - Pending Consideration

Demolition of existing office building. Erection of a new 3-storey office building including roof plant, car parking and landscaping together with reconfiguring existing car parking to manufacturing unit.

12/01235/NMA - No Objection 24.08.2012

Application for a non-material amendment to planning permission ref 12/00307/FUL to enable part retention of existing store previously identified for demolition.

12/00795/SCR - No Objection 14.06.2012

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for proposed redevelopment of land within the former NXP - Selex site for office uses (B1)

12/00599/DPA - No Objection 11.05.2012

Prior notification for the proposed demolition of buildings at former NXP site.

12/00307/FUL - CAP 26.04.2012

Partial demolition of existing warehouse and ancillary buildings and make good
The demolition works have been EIA screened (12/00025/SCR)

12/00025/SCR - No Objection 26.01.2012

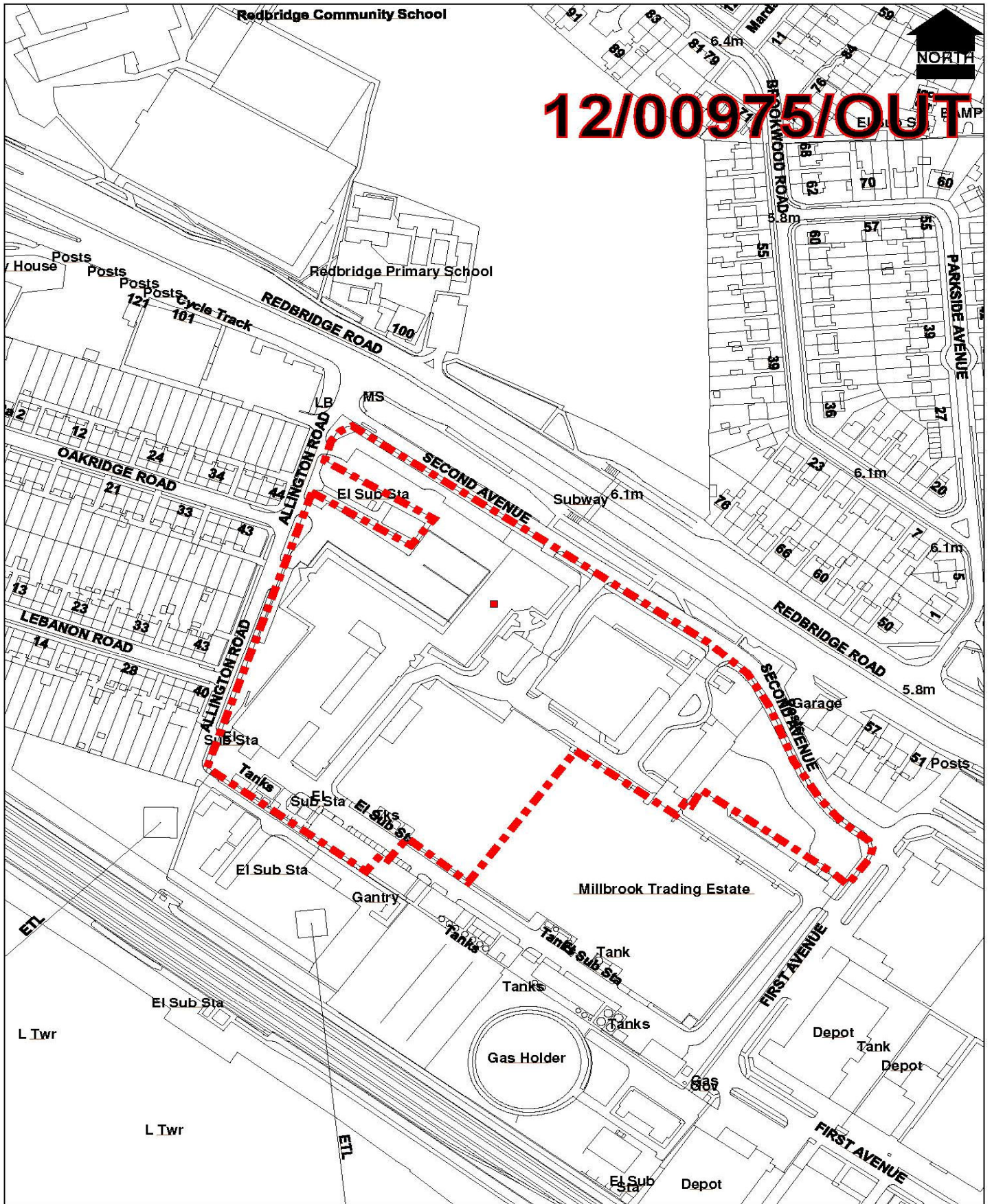
Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for the partial demolition of existing buildings and redevelopment of the site.

1102/49 - CAP 16.02.1957

factory and admin block (alt. ref. 5057) (previously called Mullards, Western Manufacturing Co)

1070/58R1 - CAP 06.12.1955

Erection of factory and offices



12/00975/OUT



Scale : 1:2500

Date 28 November 2012

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Agenda Item 14

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: NXP Semiconductors, Second Avenue			
Proposed development: Demolition of existing office building. Erection of a new 3-storey office building including roof plant, car parking and landscaping together with reconfiguring existing car parking to manufacturing unit - use classes B1a (office) and/or B1b (research and development) - description amended following validation.			
Application number	12/01109/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	15 minutes
Last date for determination:	30/10/2012 (13 week date)	Ward	Redbridge
Reason for Panel Referral:	Major planning application subject to objection	Ward Councillors	Cllr McEwing Cllr Pope Cllr Whitbread

Applicant: Diageo Pension Trust/Cordea Savills	Agent: Michael Sparks Associates Fao Mr Ashley Chambers
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Recommendation Summary	Conditionally Approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Whilst the provision of a standalone B1(a) office is considered to represent a departure from the development plan, Policy RE19(iii) allows for the provision of 'ancillary offices'. As such, given that the proposed floorspace is to serve the wider site (in connection with the redevelopment proposals associated with LPA ref: 12/00975/OUT) and is considered to comply with the policy designation as an employment site. Following a public consultation exercise the substantive objections have been addressed through the use of planning conditions as detailed in the report to Panel on 11th December 2012. Other material considerations do not have sufficient weight to justify a refusal of the application. 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). In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

'Saved' policies SDP1 (Quality of Development), SDP4 (Development Access), SDP5 (Parking), SDP7 (Context), SDP9 (Scale, Massing and Appearance), SDP10 (Safety & Security), SDP22 (Contaminated Land) and RE19(iii) (Industry & Warehousing) of the City of Southampton Local Plan Review (Adopted 2006), and policies CS6 (Economic Growth), CS7 (Safeguarding Employment Sites), CS13 (Fundamentals of Design), CS18 (Transport), CS19 (Car & Cycle Parking), CS20 (Tackling & Adapting to Climate Change), CS24 (Access to Jobs) and CS25 (Delivery of Infrastructure) of the City of Southampton Local Development Framework Core Strategy (Adopted 2010) as supported by the Council's current adopted Supplementary Planning Guidance.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1.0 The site and its context

This 2.65 hectare site is currently occupied by Nicholson House and forms part of a wider employment site along Second Avenue. The wider 4.21 hectare application site boundary is marked by a 2 metre high pallusade fence. The site itself is currently vacant but was last used by NXP semi-conductors and before them Philips. The existing buildings have a combined floorarea of 23,375sq.m and are of simple two-storey design. The site itself is dominated by the central surface car parking, which is partly screened by existing planting and the boundary fencing.

2.0 Proposal

2.1 Full planning permission is sought to redevelop a vacant part of the former NXP site, to the north of the existing SELEX facility. It is proposed to demolish the existing redundant 4 storey 'Nicholson House' (2,680sq.m) and replace it (albeit on a different footprint) with a three storey building (2,560sq.m) providing modern open plan B1(a) office and/or B1(b) research and development space. Approximately 300 additional new jobs are proposed.

2.2 The new office building will be modern in appearance, comprising an external cladding system and powder coated aluminium windows. The building will measure 50 metres in length by 17.5 metres in depth. The three storeys equate to 15.6 metres in height (approximately 3 metres less than the current Nicholson House building).

2.3 It is proposed to provide 300 parking spaces to serve the 2,560sq.m of B1 office space and the retained Selex building.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site is allocated for employment uses under Policy REI9(iii).

3.2 New development is expected to meet high sustainable construction standards in accordance with adopted Core Strategy Policy CS20 and Local Plan "saved" Policy SDP13. In this instance the application will be conditioned to ensure it meets BREEAM 'Excellent'.

3.3 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision

making purposes.

4.0 Relevant Planning History

The relevant planning history for this site is attached at *Appendix 2*.

5.0 Consultation Responses and Notification Representations

5.1 The applicants undertook a public consultation event of their own on 18th June 2012. Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (16.08.2012) and erecting a site notice (13.08.2012 and 11.10.2012).

5.2 As part of the application process it became apparent that the applicants (long term leaseholders) had not given the necessary notice to the landowner (freeholder) and a further 21 day period for comment was given to ensure that the freeholder had time to consider the application. At the time of writing the report **2 objections** have been received (1 from the freeholder). The following planning related concerns are raised:

- This application raises a serious concern in relation for the potential of known contamination on the site to migrate into the land adjacent. The neighbouring landowner (who is also the freeholder of this site) would want assurances that there will be a regular review of the monitoring data. The suggested planning conditions relating to contaminated land do not specify the nature of remediation and monitoring, neither do they specify the nature of monitoring or the potential for the contamination to become mobile after construction and during occupation. The Council cannot be satisfied that contamination on site can be dealt with appropriately when the extent and nature of contamination are not before the council to consider during the determination of this application. The freeholder suggests that a condition requiring the applicant to provide annual monitoring data (and more frequently during construction) is needed. These details should be provided to the freeholder.

5.3 Response

A contaminated land Phase I Conceptual Site Model accompanies the planning application. The concerns of the freeholder are noted and material to the Council's decision. With regards to the specific points raised, whilst the forewarning of likely contamination issues is welcomed, the Environmental Health department has been asked to confirm whether or not the suggested conditions are robust enough to deal with the issues. Notwithstanding the duty of care issues the submission of monitoring data for consideration by a third party (as requested) is not deemed appropriate for a planning condition. This would be better resolved outside of the planning process between the freeholder and the leaseholder. The objection letter has been sent to the Environmental Health department for consideration and, if deemed necessary, their attendance at the Panel meeting has been requested.

5.4 In addition, a further letter has been received from a third party raising concerns that there are too few toilets provided to serve the office use. This is a matter for the developer and should not prevent planning permission from being issued.

- 5.5 **Consultation responses**
SCC Sustainability - Objection removed following offer of BREEAM Excellent
- 5.6 **SCC Archaeology** - No objection subject to planning conditions.
- 5.7 **SCC Ecologist** - No objection
- 5.8 **SCC Contaminated Land** - The proposal is for the construction of an extension to the existing industrial building. This is not regarded as a sensitive land use, however, the mobilisation of contaminants that may be present on the site could present a risk to human health and/or the wider environment during the construction phase. The history of Southampton City presents many potential contamination hazards to much of the land in its area. Land contamination hazards associated with the former uses includes inorganic chemicals, metals and metalloid compounds and hydrocarbons. Consequently there exists the potential for such hazards to significantly impact upon the development. Therefore, I would recommend that; in accordance with policies SDP1 and SDP22 of The City of Southampton Local Plan Review - Adopted Version March 2006 and Para 121 of the National Planning Policy Framework - March 2012, if planning permission is granted, that conditions are attached.
- 5.9 **SCC Skills & Economy** - S.106 to include a 'Training & Employment Plan'.
- 5.10 *Note: As no S.106 is required for this development the employment plan can be delivered through the planning conditions attached to this recommendation.*
- 5.11 **SCC Highways** – No objection raised to the proposed office replacement in this area of normal/medium accessibility. The level of parking proposed should be limited to 85 spaces to comply with our maximum standards and it is understood that the remaining spaces will serve the existing uses. The concerns regarding HGVs raised to the outline masterplan (12/00975/OUT) are not relevant to this application, and as less floorspace than existing is proposed there will be no requirement for a S.106 legal agreement to mitigate against the impacts. The submitted Waterman Boreman Ltd. Travel Plan should be secured with a planning condition.
- 5.12 **Environmental Health (Pollution & Safety)** - I have no objection to this application, but would ask for conditions relating to bonfires, hours of work, piling, demolition statement, dust suppression
- 5.13 **Southern Water** - No objection subject to planning conditions
- 5.14 **HSE (PADHI+)** - Don't advise against development
- 5.15 **EA** - No objection
- 5.16 *Note: Although the BAA have not commented on this application as they sought a Bird Hazard Management Plan (BHMP) on LPA ref: 12/00975/OUT for the same site this condition has been repeated as part of this recommendation.*
- 6.0 **Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- i) Principle of Development
 - ii) Design and Landscaping
 - iii) Impact on Residential Amenity
 - iv) Highways
 - v) S.106 Mitigation
- 6.2 Principle of Development
Policy REI9(iii) of the saved Local Plan Review safeguards the application site for employment uses, and is permissive of light industrial (B1c), research & development (B1b), general industrial (B2) and storage/distribution (B8) with ancillary office space. The current application proposes a flexible B1(a) and B1(b) use and could result in some 2,560sq.m of office space. It is intended that the office will serve the wider Selex operation. This is acceptable in principle as the existing Nicholson House (2,680sq.m) office block is to be demolished as part of these wider proposals. The likely job creation and the beneficial use of a vacant site is also welcomed.
- 6.3 Design & Landscaping
The proposed design approach should be assessed against the development plan unless other material considerations dictate otherwise.
- 6.3.1 In particular, the NPPF states that *'good design is a key aspect of sustainable development, is indivisible from good planning, should contribute positively to making places better for people'* (paragraph 56 refers). At the local level Local Plan Policy SDP7 states that *'development which would cause material harm to the character and/or appearance of an area will not be permitted'*. The supporting text explains that *'context is about understanding the uses, visual characteristics and the patterns of local life of an area'* (paragraph 2.49 refers). The proposed three storey design is modern in appearance and is considered acceptable for this context. The building will sit central to its parking with additional landscaping added to the site's existing boundary. An 'Excellent' BREEAM rating is achievable and the scheme is, therefore, supported.
- 6.4 Impact on Residential Amenity
The replacement office building has less height and floorspace than the existing Nicholson House. It is located centrally to its car park and there is, therefore, minimal impact on the existing amenity of the nearest residential properties (some 40 metres to the north-east – adjacent to a petrol filling station) in terms of loss of light, increased overshadowing and a loss of privacy. As such the application is considered to address the requirements of adopted Local Plan 'saved' policies SDP1(i), SDP7(v) and SDP9(v) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).
- 6.5 Highways
Car parking is a key determinant in the choice of mode of travel, and the site is close to principal bus routes. The Local Plan, as supported by the Parking Standards SPD (2011) aims to reduce reliance on the private car and encourage alternative modes of transportation such as public transport, walking and cycling. It also seeks to reduce peak hour trips in an effort to reduce congestion.

6.5.1 The application proposes 300 parking spaces. The level of car parking proposed significantly exceeds the Council's maximum standards (1/30sq.m B1a - 1/45sq.m B1c/B2 as set out in the Council's Parking SPD), but this is because it is intended to provide space to serve the existing employment uses that are retained, and which compliment the proposed use. A planning condition to ensure that no more than 85 spaces are provided to serve the proposed building is recommended and the application is, therefore, consistent with policy maximums.

6.6 S.106 Mitigation

A scheme of this size is normally expected to mitigate against its direct impacts. The main contribution required from the wider site concerns the site specific highway works to facilitate improved HGV movements. There are no HGV movements associated with the proposed use and, as such, the proposed off-site works with application 12/00975/OUT are not deemed necessary to support this planning application.

6.6.1 Furthermore, as the scheme proposes a replacement of employment uses there is unlikely to be any net increase in trips generated from the site and, as such, a S.106 is not required to secure a strategic highways contribution.

6.6.2 The Green Travel Plan and Employment & Skills Scheme are recommended for inclusion through the attached planning conditions.

7.0 Summary

This planning application for a replacement office building is consistent with the site's designation within the Local Plan Review. The re-configuration of the site to provide modern, useable floorspace is welcomed and brings a vacant employment site back into use. The key issue with regards to the freeholders' comments relates to the potential for contaminants to be disturbed through the construction phase. A planning condition is currently recommended to mitigate against the effects of the construction phase and is currently deemed to be sufficient by officers despite the objection. This issue is, however, being reviewed by Environmental Health and an update will be given at the Panel meeting.

8.0 Conclusion

The planning application complies with the planning policy designation and the principle of redevelopment has been assessed as acceptable. The application is recommended for conditional approval.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a-d, 2b & d, 4vv, 6a, c, e & l, 7a and 9a-b

SH2 for 11/12/12 PROW Panel

1. APPROVAL CONDITION - Full Permission Timing Condition

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

REASON:

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

2. APPROVAL CONDITION - Approved Plans

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

REASON:

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

3. APPROVAL CONDITION - Materials

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

REASON:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

4. APPROVAL CONDITION - Restricted Use [Performance Condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991 (as may be amended or superseded) the building shall be used only for the purposes indicated in the submitted details (B1(a) office and/or B1(b) research and development) and not for any other purpose.

REASON:

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

5. APPROVAL CONDITION – Training and Employment Plan

No development shall take place until an 'Employment and Skills Plan' has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include a document comprising the following:

- arrangements setting out how the Owner and its contractors will work directly with local employment/training agencies including Job Centre Plus and Learning Skills Council, voluntary and private sector providers, Sixth Form Colleges, Colleges of Further Education and Universities as part of an employment and training consortium;
- establishment of targets for employing local labour and the measures to be undertaken to achieve targets;
- establishment of targets for work experience opportunities and the measures to be undertaken to achieve targets;
- the provision for training opportunities in respect of any new jobs created for the Development to include the construction phases of the Development in accordance with the terms of the Employment & Skills Plan.

Development shall be implemented in accordance with these agreed details.

REASON:

In the interests of securing local employment initiatives in accordance with LDF Core Strategy Policy CS24.

6. APPROVAL CONDITION – Travel Plan (Prior to Occupation)

Notwithstanding the submitted details (Waterman Boreham Ltd Travel Plan – dated 05 July 2012) the development shall not be occupied until a staff travel plan has been submitted to and agreed in writing with the Local Planning Authority. The Travel Plan having been agreed with the Council the Owner will thereafter implement and promote the objectives of the Travel Plan and ensure that (so far as is reasonably practicable) the objectives are met. The Travel Plan shall include a plan aimed at reducing the reliance on the use of the private car by occupants of the Development and that encourages positively the use by those occupants or alternative means of transport which have less of an adverse impact on the environment which plan shall include:-

- the means whereby the effectiveness of the Travel Plan can be monitored and recorded.
- Aspirational targets for a modal split as between those using the private car and those using alternative modes of transport and;
- The means whereby the achievement of the aspirational targets of the Travel Plan can be reviewed and (if necessary) the objectives updated

REASON:

To promote alternatives to car travel in the interests of reducing congestion along Second Avenue at peak times.

7. APPROVAL CONDITION - Landscaping, lighting & means of enclosure

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

- i. proposed finished ground levels or contours; 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);
- iv. details of any proposed boundary treatment, including retaining walls; and
- v. a landscape management scheme.

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

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

REASON:

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

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

8. APPROVAL CONDITION - Parking

A maximum of 85 parking spaces shall be allocated to the building hereby approved in accordance with a plan allocated these spaces that shall have been sent to the Local Planning Authority (LPA) for approval prior to the first occupation of the development. These spaces shall be marked out and made available for use prior to the first occupation of the development and retained for the use of users of the building thereafter.

REASON:

As the submitted details exceed the Council's maximum parking standards and to ensure that sufficient information is provided to the LPA in order to enforce the requirements of the planning condition.

9. APPROVAL CONDITION - BREEAM Standards (Commercial)

Unless otherwise agreed in writing by the Local Planning Authority (LPA), before the development of each building hereby approved commences written documentary evidence demonstrating that the development will achieve a minimum rating of 'Excellent' against the BREEAM (2011) standard shall be submitted to the LPA for its approval. The submission shall take the form of a design stage assessment.

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). In the event that an occupier is found that cannot meet BREEAM (2011) 'Excellent', as it requires significant refrigeration, mechanical processes or other high energy requirements that are not anticipated at this outline stage, this shall be taken into consideration by the LPA as part of the condition's sign off process following the receipt of adequate justification for doing so.

10. APPROVAL CONDITION – BREEAM Certification

Within 6 months of each building first becoming occupied written documentary evidence proving that the development has achieved the required rating against the BREEAM standard (as set out in the above planning condition) in the form of a post construction certificate as issued by a legitimate BREEAM certification body, 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).

11. APPROVAL CONDITION – Sustainable Drainage Systems (SUDS)

Prior to the commencement of development works for each building hereby approved a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of

the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

12. APPROVAL CONDITION – Surface Water Drainage

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

REASON:

In the interests of proper planning and securing adequate means of drainage to serve the development.

13. APPROVAL CONDITION – Bird Hazard Management Plan

Development of each building hereby approved shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’. The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON:

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

Note to Applicant:

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

14. APPROVAL CONDITION – Archaeological investigation

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.

15. APPROVAL CONDITION – Archaeological work programme

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.

16. APPROVAL CONDITION- Land Contamination Investigation

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

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

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

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

REASON:

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

17. APPROVAL CONDITION - Reuse of uncontaminated soils

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

REASON:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

18. APPROVAL CONDITION - Use of uncontaminated soils and fill

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.

19. APPROVAL CONDITION- Unsuspected Contamination

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

REASON:

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

20. APPROVAL CONDITION – Hours for Construction

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

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

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

And at no time on Sundays and recognised public holidays. Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

REASON:

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

21. APPROVAL CONDITION - Construction Method Statement

Prior to the commencement of any works associated with the redevelopment of Nicholson House details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition and Construction Method Statement (DCMS) for the development. The DCMS 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 routing; (g) details of how noise emanating from the site during construction will be mitigated; and, (h) details of the Site Manager's telephone number that residents can use in the event that they wish to raise concerns. The approved DCMS 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.

22. APPROVAL CONDITION – Refuse & Cycle Storage

Notwithstanding the submitted information details of refuse and cycle storage to serve the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation the building. The development shall be implemented in accordance with these agreed details prior to its first occupation with retention thereafter.

REASON:

To ensure adequate refuse and cycle storage in the interests of good site planning and the encouragement of sustainable development.

23. APPROVAL CONDITION - Piling [Pre-Commencement Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed

Condition Informative 1

Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

Condition Informative 2

Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.

Notes to Applicant

Southern Water – Public Sewerage - Informative

A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Angle St James House, 39a Southgate Street, Winchester So23 9EH (tel. 01962 858600) or www.southernwater.co.uk

Environment Agency Commentary

The Environment Agency recommend (in their formal response by email dated 23rd July 2012) that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by land contamination;
- Refer to the Environment Agency guiding principles for land contamination for the type of information that they require in order to assess risks to controlled waters from the site;
- Refer to the EA website www.environment-agency.gov.uk for more information.

Note to Applicant - Pre-Commencement Conditions

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

Note to Applicant - Performance Conditions

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

POLICY CONTEXT

Core Strategy - (January 2010)

CS6 (Economic Growth)
CS7 (Safeguarding Employment Sites)
CS13 (Fundamentals of Design)
CS18 (Transport)
CS19 (Car & Cycle Parking)
CS20 (Tackling & Adapting to Climate Change)
CS24 (Access to Jobs)
CS25 (Delivery of Infrastructure)

City of Southampton Local Plan Review – (March 2006)

SDP1 (Quality of Development)
SDP4 (Development Access)
SDP5 (Parking)
SDP7 (Context)
SDP9 (Scale, Massing and Appearance)
SDP10 (Safety & Security)
SDP22 (Land Contamination)
REI9(iii) (Industry & Warehousing)

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)
Car Parking Standards (2011)

Other Relevant Guidance

National Planning Policy Framework (2012)

Relevant Planning History

Various permissions for ancillary works following the approval of a factory in the mid 1950s. Key permissions relevant to the current application would include:

12/0975/OUT - Pending Consideration

Outline application for re-development of the site to provide up to 20,360 square metres of employment floorspace (Classes B1(a) / B1(c) / B2 / B8) with ancillary offices, service areas, estate roads, landscaping and cycle/car parking.

12/01235/NMA - No Objection 24.08.2012

Application for a non-material amendment to planning permission ref 12/00307/FUL to enable part retention of existing store previously identified for demolition.

12/00795/SCR - No Objection 14.06.2012

Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for proposed redevelopment of land within the former NXP - Selex site for office uses (B1)

12/00599/DPA - No Objection 11.05.2012

Prior notification for the proposed demolition of buildings at former NXP site.

12/00307/FUL - CAP 26.04.2012

Partial demolition of existing warehouse and ancillary buildings and make good
The demolition works have been EIA screened (12/00025/SCR)

12/00025/SCR - No Objection 26.01.2012

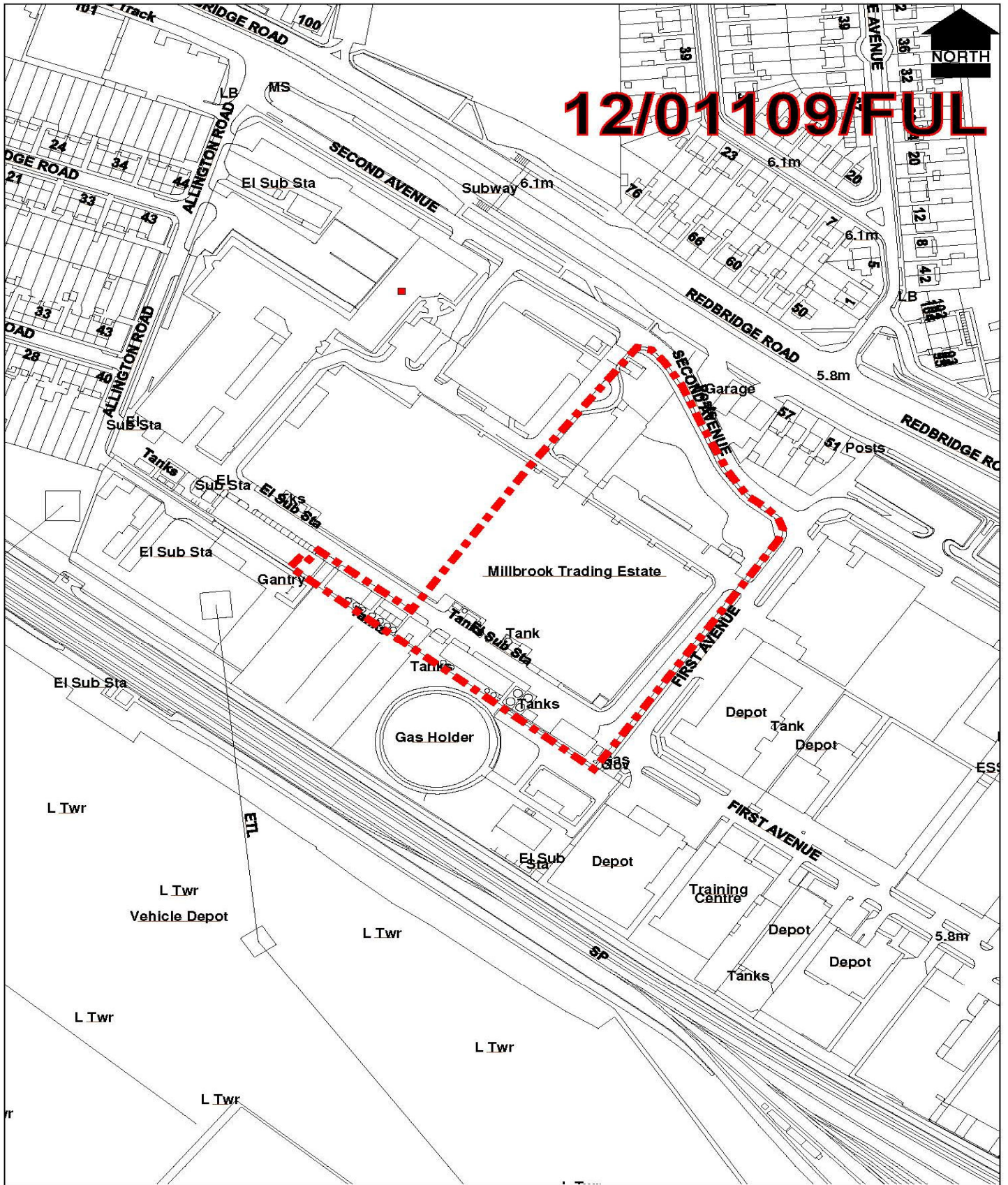
Request for a screening opinion under Regulation 5 of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2011 prior to a planning application for the partial demolition of existing buildings and redevelopment of the site.

1102/49 - CAP 16.02.1957

factory and admin block (alt. ref. 5057) (previously called Mullards, Western Manufacturing Co)

1070/58R1 - CAP 06.12.1955

Erection of factory and offices



Scale : 1:2500

Date 28 November 2012

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**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel - 11 December 2012
 Planning Application Report of the Planning and Development Manager**

Application address: The Bradbury Centre, 300 Aldermoor Road SO16 5NA			
Proposed development: Re-development of existing coach park comprising the erection of a single-storey extension to create a new teaching block with ancillary offices to serve Rosewood school.			
Application number	12/01153/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	5 minutes
Last date for determination:	15.10.2012	Ward	Coxford
Reason for Panel Referral:	Departure from the Development Plan (Policy CS20)	Ward Councillors	Cllr Thomas Cllr Morrell Cllr Spicer

Applicant: Mrs Jenny Boyd	Agent: Hunters
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Appendices	
1	Development Plan Policies
2	Ministerial statement in respect of development proposals related to schools
3	Sustainability statement and letter from Education Funding Agency

Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan and other adopted guidance referred to in the report to the Planning and Rights of Way Panel 11 December 2012. Other material considerations do not have sufficient weight to justify a refusal of the application. Where appropriate planning conditions have been imposed to mitigate any harm identified. Overall, the exceptional special educational need/medical care and positive regenerative opportunities associated with the development, continued community access and predicted 25% reduction in carbon emissions through the use of renewable technologies are considered to outweigh not being able to achieve BREEAM 'excellent', which represents a departure from the Development Plan for Southampton. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004, Planning Permission should therefore be granted having account of the National Planning Policy Framework and the following local planning policies:

Local Plan Review (2006) Policies - SDP1, SDP4, SDP5, SDP6, SDP7, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP22

LDF Core Strategy (2010) Policies - CS11, CS12, CS13, CS18, CS19, CS22, CS25

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

- i. 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
 - ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
 - iii. The funding of any Traffic Regulation Orders (TRO) required to enable the development to be implemented;
 - iv. Submission and implementation within a specified timescale of a revised Travel Plan;
 - v. Submission and implementation of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (during and post construction) in line with LDF Core Strategy policies CS24 and CS25;
 - vi. Submission and implementation of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
2. In the event that the legal agreement is not completed by *20 January 2013* the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. Delegation be given to the Planning and Development Manager to add to, delete or vary the requirements of the planning agreement and/or planning conditions.

1.0 The site and its context

- 1.1 These school premises and 0.27 ha application site are adjoined by a parade of shops to the north, housing and open space to the west.

- 1.2 Aldermoor Road (a classified highway) and the dualled Lordshill Way (district distributor road) lie to the east.
- 1.3 The remainder of the centre lies to the south. Whereas the school premises have a single storey eaves height, a steeply pitched roof accommodates a further floor. The school is red-brick faced, with red plain tiled roof. The car park accommodates a total of 50 spaces, including five disabled spaces. These spaces are shared between the school and the Association, which occupied the rest of the centre. There are five cycle racks within a secure cage for staff within the car park area and also four hoops providing eight cycle spaces for staff or visitors close to the main building entrance, under the cover of the roof.
- 1.4 Two storey terraced housing in Shalden Close (No's 12-16 consecutively) lies to the west of the land proposed to be developed. It is set off the boundary wall to the school by an area of land used for car parking by those living in the housing. Site levels drop appreciably between the school and that land.

2.0 Proposal

- 2.1 The proposed development is an extension to the existing Rosewood school, a SEN school for pupils with profound and multiple learning difficulties currently between the ages of 3-19. A single storey extension of almost rectangular floorplate (881 sq.m. gross internal floorspace and 5.8m high to top of lantern light element of flat roof) is proposed which will provide for an additional four classrooms for secondary age (11 – 21) pupils (some 30 additional children, supported by just under 23 new teaching staff), effectively doubling the school roll. If approved, the expanded school would be attended by 66 pupils supported by up to 62 staff. Other accommodation within the new extension will include a common room for post 16 pupils, administration offices, including the main reception, head teacher's office, and teaching support spaces. The lantern light element of the roof allows daylight and ventilation to deep-plan spaces and is predicted to be very successful in the daylight and thermal modelling so far undertaken.
- 2.2 A simple modern design has been chosen, with clean lines, which will appear sub-ordinate to the main school building. The extension will physically link to the main school and form the main entry point to the extended school. Strong horizontal lines have been introduced to give a sense of perspective towards the entrance, thus subtly guiding visitors to the front door. A community consultation was held on 10th July. A summary of the positive comments has been submitted by the applicant. A simple palette of buff/grey brick plinth topped by white render and powder coated grey aluminium windows has been chosen to complement the existing building, without competing with it.

- 2.3 Adequate space would be maintained around the building, which would principally take its outlook north and south. Additional natural light penetration would be achieved via a raised lantern light.
- 2.4 Some alterations are proposed to the vehicular access arrangement, with the introduction of a new dedicated site exit, separate from the existing site entrance. There is a need to retain the existing level of car parking, owing to children being brought to the site by their parents.
- 2.5 There would potentially be another 12-13 cars being used to travel to school by new staff. The layout retains the existing drop-off point for mini-buses too. Children are usually transported to school by mini bus. There are 18 minibuses that transport the children to school. Children may also be brought to school by parents. At present two children are brought by parents.
- 2.6 There would appear to be the opportunity to encourage more use of non-car modes amongst these staff, subject to working practices and requirements at the school (and association). Across the wider urban area there is the potential to encourage more bus use and possibly car sharing. There will be a need to encourage a shift in mode share towards non-car modes and car sharing through strengthened initiatives and incentives, within an updated Travel Plan, in order to manage car parking demand within the site constraints.
- 2.7 It is proposed that the School Travel Plan will be updated prior to occupation of the extension. The school and association currently charge for staff parking on site, with a sliding scale related to hours worked. Discounts are given for car sharing, again on a sliding scale related to the number of people sharing a car. A 10% discount is also available for First Bus passes. These incentives will continue. In addition, whilst current cycle use is low, cycle parking for staff is to be enhanced. These measures assist in reducing car parking demands and encouraging the use of public transport. The building will be designed to be fully accessible to the disabled, including level access from the site perimeter.
- 2.8 Whilst some trees will be lost, the detailed landscape plan shows 2:1 replacements to provide the new extension with a good setting. An outdoor learning area will be provided to the north of the new building, with access directly from the classrooms. A garden area will be provided to the east of the building with access from the outdoor learning area. A new outdoor play area will be provided to the west of the building for the early years pupils in place of the existing maintenance area.
- 2.9 The application is supported by a design and access statement, tree survey, ecology report, acoustic report, contamination report, transport assessment and various statements relating to sustainable measures

to be incorporated into the development. An additional justification for why BREEAM 'excellent' cannot be achieved and statement from the Educational Funding Agency are reproduced as **Appendix 3** to this report. The agent has personally been involved in the planning 20 separate special schools and BREEAM excellent was only achieved at one in Reading because:-

- There was access to a local authority sustainability fund of approximately £750k
- It was a mixed use development with one floor School against two floors of office/conference centre
- Was assessed under a bespoke BREEAM
- Was assessed some years ago under a previous, less onerous BREEAM

And even then only just achieved a pass at 'EXCELLENT'.

Appendix 3 also puts forward a reasoning as to why such projects find it harder to score 'excellent'. If BREEAM excellent is required, the EFA have indicated that additional funds required will come directly from the fixed allowance resulting in a loss of facilities for vulnerable and highly dependent children.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**. The site to be developed is shown as 'white land' on the proposals map to the local plan review (i.e. unallocated for any specific purpose). The government has recently published a ministerial statement in respect of schools development. That is reproduced as **Appendix 2**. Policy CS11 gives broad support for new development at school sites.

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

4.0 Relevant Planning History

4.1 The Rosewood 'centre for disabled children and young adults' was developed under planning permission **01/00490/FUL**, granted in 2002. The centre was developed on formerly tipped land. The majority of the existing site is occupied by the Bradbury Centre building which is occupied by Rosewood school, offices for the Rose Road charitable association, and a respite centre for adults with special needs. Pupils come from a wider catchment area. Facilities of the school are regularly used by members of the local community, including a

hydrotherapy pool.

- 4.2 Previous to that a health centre had been housed in temporary buildings on the site under a temporary permission given in 1972 under reference **8648/1439/C5**. Those temporary buildings were removed circa 1977 when the health centre was relocated elsewhere and permission was granted under reference **9625/1616/W31** in 1982 for the 'coach park with new boundary wall' on the eastern part of what had been occupied by the temporary health centre.
- 4.3 It is clear at the time that the then owners - Hampshire County Council - conducted deep borehole investigation to ascertain ground conditions to evaluate what measures could be necessary to develop the land. That land has been vacant since 2010.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **1** representation has been received from an adjoining resident in Shalden Close:

The resident in Shalden Close is concerned that parking is being lost through the proposals.

Response

There is no net loss of parking and the informal parking outside the site available to 12-16 Shadlen Close will continue to be available also.

- 5.2 **SCC Highways** - This extension is to a facility for children with severe disabilities , therefore it is necessary to deviate from the standard schools parking standards. This does not mean however that the city council should not be encouraging staff to travel by more sustainable modes, therefore it is necessary for secure staff cycle parking to be provided, and shower and locker facilities to be available. Sight lines around the frontage are dependant upon planting in the frontage not exceeding 600mm in height. The area designated for mini bus waiting outside the site entrance does require a TRO to amend the use of this area.
- 5.3 **SCC Sustainability Team** – The essential nature of this site is understood. There is agreement in part to some of the points raised in **Appendix 3**; however, the bullet points don't give site based evidence to the fact that Bream Excellent is unachievable on this development.
- 5.3.1 It is agreed that the embodied energy and operational energy is likely to be higher than an average school. There is no explanation or facts

that state how these additional environmental costs will be negated /offset if at all and what thought or design process have been undertaken to ensure the minimum environmental impact of the site.

- 5.3.2 A thorough thought process from conception ought to have been demonstrated to ensure that this development adheres to the local planning requirements, but evidence of this is queried.
- 5.3.3 It is recommended that Bream excellent is required for the site unless factual evidence proves that this is unachievable due to the site or other pertinent constraints.
- 5.4 **SCC Environmental Health (Pollution & Safety)** – No objections are raised, subject to the imposition of safeguarding conditions to limit nuisance during the build.
- 5.5 **SCC Trees Team** - The arboricultural report is supported. It offers adequate protection for the trees that are to remain and mitigation for the trees that are to be lost. The report recommends that arboricultural consultancy be used throughout the development. No objection is raised subject to the imposition of planning conditions to safeguard trees being retained and to secure mitigating planting for trees to be lost as part of a soft landscaping scheme to be approved.
- 5.6 **SCC Environmental Health (Contaminated Land)** – The submitted report has been reviewed but clarification sought on previous invasive studies. Safeguarding conditions are recommended to safeguard groundwater and ensure any arisings from augur piling are no re-used as fill on site unless certified free of prescribed contaminants.
- 5.7 **SCC Ecology** – The site is of low ecological value and the proposed development should not have a significant impact on local biodiversity. Provided the mitigation measures can be provided no objection is raised.
 - 5.7.1 The application site comprises predominately hard surfaces although there are two small areas of shrub planting and some native scrub. Around the boundaries are a number of young native and ornamental trees.
 - 5.7.2 The habitat value of this vegetation is relatively limited although it is likely to support nesting birds and foraging bats.
 - 5.7.3 The proposed development will result in the loss of the shrubs within the site and the native scrub at the entrance. This is likely to lead to a loss of foraging and nesting habitat.
 - 5.7.4 To mitigate this loss, appropriate locally native species should be included in the landscape planting. In addition, to avoid impacts on nesting birds, which receive protection under the Wildlife and

Countryside Act 1981 (as amended), vegetation clearance should either take place outside the nesting season, which runs from March to August inclusive, or after it has been checked by a suitably qualified ecologist. If active nests are found vegetation clearance would need to be delayed until after the chicks have fledged.

- 5.7.5 The development is also likely to lead to higher levels of artificial illumination around the retained trees. This could reduce or even deter bat foraging activity. To ensure adverse impacts are minimised lighting should be provided only where it is required and lights should be hooded to direct light onto the ground.
- 5.8 **Southern Water** – The site is not within a Source Protection Zone Southern Water would therefore not comment upon Groundwater Protection, this is a matter for the Environment Agency. Southern Water’s only concern would be the implementation of enhanced water supply pipe protection, should contamination be found on the site. This would be reviewed when the application is made for a water supply to the proposed development.

Response

The following has been received from a contractor (GAPLtd) acting for the applicant:-

“The proposed pile type that we have recommended to the piling contract is that of a CHD (Conical Helical displacement) pile. This type of pile produces minimal arising as the pile is a displacement pile, with horizontal displacement rather than vertical displace of the ground hence no arising’s.

I also write to advise you that as far as we are aware we are not diverting any public sewers”.

- 5.9 **Environment Agency** – Wish to review earlier site investigations referred to in the submitted contamination report, with potential impact to groundwater fully scoped. Greater detail on remediation associated with an oil tank used by the former coach park is sought. Concern also expressed if a public sewer is proposed to be diverted through the former landfill.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- Principle of development and educational need;
 - Securing a sustainable form of development;
 - Affect on the character and appearance of the area;
 - Impact to residential amenity;
 - Mitigating any net highways impact.

6.2 Principle of Development and educational need

- 6.2.1 Southampton LA is currently revisiting Special School placement figures and recognises that all of their Special Schools are reaching capacity. The existing capacity at the school is for 30 children, but 42 are currently educated and the Headteacher is aware of other parents who would wish to place their children at this school – one alternative being needing to go out of county to Poole. Such additional transportation places great pressure upon the children and their families.
- 6.2.2 National statistics and research show an increasing population of children with profound and multiple learning difficulties. The school is also responding to research on the benefits of early intervention both for the child and their family. It currently works very closely with Wordsworth House an NHS assessment centre and are made aware of the numbers of children who would benefit from early placement.
- 6.2.3 This project is being wholly funded by the Government's Education Funding Agency, largely on the basis of the pressing need to provide new school places, detailed on the last page of **Appendix 3**.

6.3 Securing a sustainable form of development

- 6.3.1 Whilst it is possible through increasing the budget to meet BREEAM excellent, in these times of national austerity the budget cannot be increased. The financial viability of the scheme is not a strong material planning consideration, but the pressing educational and healthcare support needs around such special school places is a strong material factor to be weighed against the Government's overarching principle of achieving sustainable development through the National Planning Policy Framework.
- 6.3.2 With other Special Schools at or near capacity in Southampton, it would appear that the nearest school with similar facilities, which could take the children is at Poole. It is clearly not sustainable to incur the increased carbon footprint of transporting children longer distances and it is not in their healthcare interests either.
- 6.3.3 The applicant is proposing the following sustainable measures to be incorporated into the building:-
- Photovoltaic cells to the flat roof;
 - Underfloor heating;
 - North facing classrooms for thermal stability;
 - Good natural daylighting to reduce lighting costs;
 - Highly insulated building;
 - Natural ventilation to obviate need for air conditioning;
 - Low energy heating, using high efficiency gas boilers;
 - Heat recovery units to mechanical ventilation;

- Low energy lighting, which switches itself off via motion detectors;
- Night-time cooling;

Re-use of a brownfield (landfill) site is also stressed.

6.4 Affect on the character and appearance of the area

- 6.4.1 The applicant has put forward an elegant design solution which is subordinate to the original building, makes best use of the site and still allows for space about the extension. There would be a positive impact on the character and appearance of the area and removing the potentially troublesome use of a coach park would be of benefit too.

6.5 Impact on residential amenity

- 6.5.1 The building is single storey in height, positioned some 24 metres away from the nearest house in Shalden Close. The outline of the new building would also be mitigated by planting on the boundary. There would be no adverse impact to outlook or light arising from the proposed extension.

6.6 Mitigating any net highways impact

- 6.6.1 Whilst there is some predicted increase in the demand for car parking, this would vary across the site during the day, where there is to be no net loss of on-site parking.
- 6.6.2 Staff cycle parking is to be provided for and shower/locker facilities already exist on site to make such a form of travel attractive/feasible. The site is quite well connected in terms of public transport and the Transport Assessment points to the potential for revising the existing Travel Plan with the council's Travel Plan Officer to improve on reduction in car use to reach the site. An historic bus loop also exists outside the main site entrance, which when formalised through a TRO will assist in mini-buses calling and departing from the site. I am not aware of any highway safety issues arising from this development and sight-lines can be provided to the altered access arrangements,

7.0 Summary

- 7.1 The pressing educational need justifies supporting this development as a departure from the Development Plan requirement to otherwise achieve BREEAM 'excellent'. It is also acknowledged that it will be possible to achieve a 25% reduction in the carbon footprint of the development through the use of renewables, above the 15% ordinarily sought through Policy CS20.

8.0 Conclusion

- 8.1 Subject to the completion of the planning legal agreement and the imposition of conditions listed below, the proposals are recommended for approval.

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

1a-d, 2b-d, 4f, 5e, 6a, c, 7a, 8a, 9a-b

SL2 for 11/12/2012 PROW Panel

PLANNING CONDITIONS for 12/01153/FUL

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

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

Reason:

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

02. APPROVAL CONDITION - 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.

03. APPROVAL CONDITION - Reuse of uncontaminated soils [Performance Condition]

No soils, sub-soil or other spoil material generated from the construction must be re-used on the near-surface soils unless it can be validated as being fit for use (i.e. evidently undisturbed, natural soils or, if otherwise, tested to ensure it is free of contamination).

Reason:

The property is in an area where there land has been unfilled or reclaimed. It would be prudent to ensure any potential fill material excavated during construction is not reused in sensitive areas unless it is evident that it is unlikely to present a land contamination risk.

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

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

Reason:

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

05. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]

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

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

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

Reason:

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

06. APPROVAL CONDITION - Land Gas Hazard [Pre-Commencement Condition]

The site shall be assessed to determine the risks presented by land gases and where appropriate suitable gas protection shall be installed. In the absence of any quantitative assessment of land gas risks the development shall include land gas protection measures that will prevent the;

ingress of land gas into the building and

the accumulation of land gas levels to dangerous levels.

Details of the gas protection scheme and validation of its implementation must be submitted to the Local Planning Authority for their approval prior to implementation and use.

Reason:

To protect the property from any risks presented by sources of land gas identified in the vicinity of the development.

07. PRE-COMMENCEMENT CONDITION - Hard and soft landscape design

Notwithstanding the submission of drawing Y9726 PL11 Rev A, a detailed landscaping scheme and implementation timetable, which clearly indicates

the numbers, planting densities, types, planting size and species of trees and shrubs to be planted, means of enclosure, external lighting and treatment of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. In particular, as the development is also likely to lead to higher levels of artificial illumination around the retained trees, this could reduce or even deter bat foraging activity. To ensure adverse impacts are minimised lighting should be provided only where it is required and lights should be hooded to direct light onto the ground. Planting within the sight-lines shall be maintained to not exceed 0.6m in height.

The landscaping scheme shall specify 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) to ensure a suitable environment is provided on the site.

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

The approved scheme shall be carried out either prior to occupation of the new school extension or during the first planting season following the full completion of building works or in accordance with a timescale that shall have been agreed in writing with the Local Planning Authority prior to the commencement of any building works. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

REASON:

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

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

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a piling/foundation design risk assessment and method statement for the preferred piling/foundation design/designs shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the selected piling method can be justified on the grounds of structural, geotechnical, contamination, noise, vibration and practicability and

ensure any adverse environmental impacts are identified and appropriate mitigation measures are proposed.

09. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

Reason:

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

11. PERFORMANCE CONDITION - Access/Egress and cycle parking

Sightlines for the access and egress to/from the site and secure and covered bicycle parking as set out in the document PL14 shall be fully provided before the new school extension hereby approved is first occupied and used. Once provided, those items and the staff showering/locker facilities shall be maintained at all times the school is in use. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no means of enclosure exceeding 0.6m high above ground level, shall be placed within any sight line created.

Reason:

In the interests of highway safety and to encourage more sustainable forms of travel to and from the site.

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

Written documentary evidence demonstrating that the development has achieved at minimum a rating of 'Very good' against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing within 6 months of the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason:

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

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

Before the development is first occupied, the developer shall incorporate the submitted renewable energy technologies on the site, so as to achieve a 25% reduction in CO2 emissions over and above the 15% ordinarily required by core strategy policy CS20. Once installed those renewable technologies shall be rendered fully operational prior to the first occupation of the development hereby granted consent and retained in an operational state at all times thereafter.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with adopted policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010), also having regard to the fact that the applicant is unable to achieve BREEAM excellent within the budget available to this project.

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

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

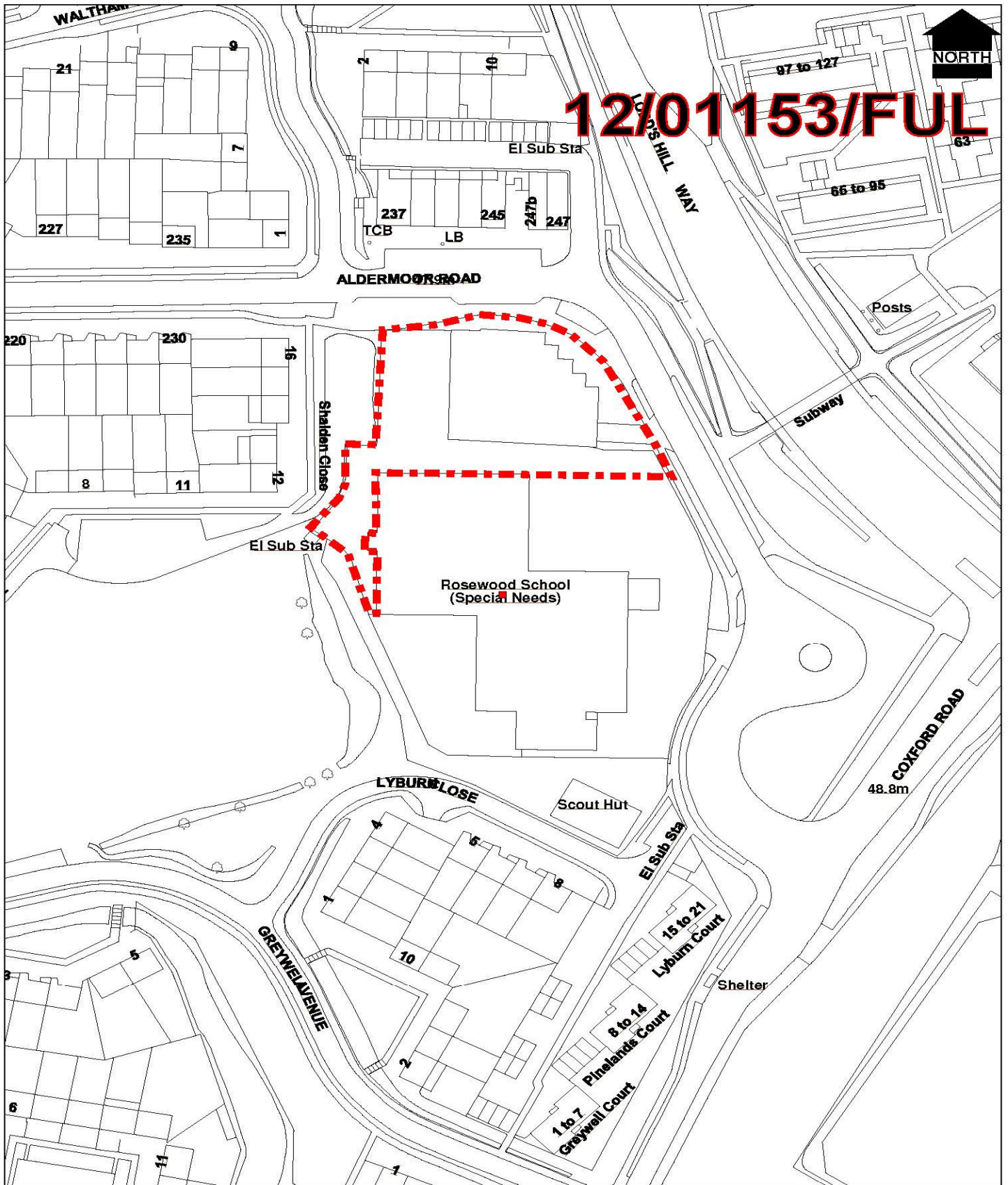
Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

Notes to Applicant

1. Guidance is provided in the Environment Agency's publication NC/00/73, Piling and Penetrative Ground Improvements Methods on Land affected by Contamination: Guidance on Pollution Prevention, section 6.5

2. Guidance suggests maximum vibration of 1mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of the nearest occupied residential building and a maximum vibration of 3mm/sec Peak Particle Velocity (measured in any one direction) at the foundations of an occupied commercial building.



Scale : 1:1250

Date 28 November 2012

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Application 12/01153/FUL

POLICY CONTEXT

The relevant policies that would apply to this proposal are taken from the Adopted LDF Core Strategy Development Plan Document (January 2010) and those policies 'saved' from the City of Southampton Local Plan Review (2006) as supported by the council's current list of approved Supplementary Planning Documents and Guidance.

CS Policy CS11 (An Educated City) encourages "the development of new inspirational, high quality education and related facilities which encourage community use of their facilities". The principle of intensifying the school site for education purposes is, in planning terms, welcomed and supported and will assist the City in meeting its growing special educational needs requirements. CS12 is also a consideration as not only are these children receiving education, but they also receive special medical care and support whilst attending the school.

CS Policy CS20 requires all non residential development with a floorspace of more than 500sq.m to achieve a rating of BREEAM 'Excellent' with some 15% reduction in carbon emissions through the use of decentralised and renewable/low carbon energy sources. It is noted that only 'Very Good' can be achieved through the available budget for this project wholly funded by the Government, but that a 25% reduction is to be achieved from renewable technologies.

The decision for Members is therefore one of balancing pressing educational need against tackling the effects of climate change.

Adopted LDF Core Strategy for City of Southampton (2010)

CS11	An educated city
CS12	A healthy city
CS13	Fundamentals of design
CS18	Transport: Reduce-manage-invest
CS19	Car and cycle parking
CS20	Tackling and adapting to climate change
CS22	Promoting biodiversity and protecting habitats
CS25	The delivery of infrastructure and developer contributions.

Saved City of Southampton Local Plan Review Policies (March 2006)

SDP1	General Principles
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Context
SDP9	Scale, Massing and Appearance
SDP10	Safety and Security

SDP11	Accessibility and Movement
SDP12	Landscape and biodiversity
SDP13	Resource conservation
SDP14	Renewable Energy
SDP22	Contaminated land

12/01153/FUL



Policy statement – planning for schools development

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) wish to set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. This statement supersedes the Statement of 28 July 2010.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- **There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.**
- **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their**

planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.
- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school.

The Government is today publishing a summary of the responses to its consultation, *Planning for Schools Development*, and will continue to explore whether there is further scope and need for the planning system to do more to support state-funded schools, and in particular, free schools in the future.

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In terms of the SEN/BREEAM excellent issue I note the following:

In terms of Special School design I am considered an expert having personally been involved in something like twenty separate Special School building projects over the past few years. I also contributed to building bulletin 102 and have spoken at a number of conferences on this specialist subject.

All our Special Schools have achieved a VERY GOOD BREEAM rating since BREEAM was first introduced with one exception. The exception, The Avenue School in Reading, only achieved EXCELLENT by:

- Accessing a local authority sustainability fund of approximately £750k
- Being a mixed use development with one floor School against two floors of office/conference centre
- Being assessed under a bespoke BREEAM
- Being assessed some years ago under a previous, less onerous BREEAM
- By just scraping a pass at EXCELLENT

The Rosewood SEN is one of the highest scoring BREEAMs against these comparators, despite being assessed under a later, far more onerous regime.

The problem with Special Schools and there generally low marks when compared to mainstream Schools revolves around their highly individual user groups and the way they interact with the building. Although not an exhaustive list, examples include:

- Susceptibility to illness including pneumonia requiring particular high energy temperature regimes
- Lower scores on transport due the special arrangements required
- Highly durable finishes that often have higher embodied energy
- Deep plan spaces to reduce movement which leads to the loss of daylighting credits
- Specialist lighting for the partially sighted which does not always score highly
- High levels of peripatetic care requiring increased parking
- Specialist teachers who tend to come from a far wider catchment area and who therefore tend to drive
- High water usage due to the specialist hygiene requirements
- The difficulty in fully consulting the user groups

Our proposal for Rosewood Special School achieves a high 'VERY GOOD' with a score of XX against a target of XX for excellent. This high score has only been achieved by the entire design team trying hard to achieve the highest score possible.

We also note that this is a very sustainable scheme (not always the same as a high BREEAM score) by its use of a contaminated brown field site in an urban area.

If required Mangala can adapt this into a report form and issue more formally. If you require additional information to satisfy your concerns please advise.

Thank you

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CS20 – Sustainability Statement

Rosewood School
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1.0 Foreword

A planning application for an extension to Rosewood Free School, a special needs school for pupils with profound and multiple learning difficulties (PMLD) was submitted in August 2012. Southampton City council have a core strategy policy, CS20 (Climate Change), which came into force in 2012. The policy states that all new build non-residential over 500m² should meet BREEAM excellent.

Prior to the planning application, a pre-application consultation was held. SCC advised that BREEAM Excellent should be achieved, but it was acknowledged that this was going to be difficult to achieve this score. Hunters, the architects for the Rosewood extension, have had three schools in the city of Southampton, Bannister, Moorlands and Wordsworth (BMW), approved in 2012 since CS20 came into force. None of the three projects achieved BREEAM excellent, all achieved BREEAM Very Good.

The BMW schools and Rosewood have similar funding constraints. The Educational Funding Agency (EFA) only allow for funding to provide a BREEAM Very Good level for educational projects. Significant additional

funds are required to upgrade a scheme from BREEAM Very Good to BREEAM Excellent.

The planning application was submitted with a BREEAM assessment estimator showing a Very Good BREEAM rating, not Excellent, on the basis that Rosewood would be assessed by the same criteria as the BMW schools.

The funding received for the Rosewood extension is a fixed capital sum. If BREEAM excellent is required, the EFA have indicated that additional funds required will come directly from the fixed allowance resulting in a loss of facilities for vulnerable and highly dependent children.

1.1 Educational Justification for the Rosewood Extension

“Prior to the free school application being successful and funding realised for expanding, we were in the position of having to inform both pre-school and school age children that we were full. We know of a number of parents who have had to seek alternatives to their preference of Rosewood, their local provision, due to our previous ceiling. Southampton LA is currently revisiting Special School placement figures and recognises that all of their Special Schools are reaching capacity. Each school has its unique character and Rosewood has served as part of the continuum of education for a number of years. We have good relationships with these schools and have worked with them on Curriculum development and training.

National statistics and research show an increasing population of children with PMLD¹. We are also responding to research on the benefits of early intervention both for the child and their family. We currently work very closely with Wordsworth House an NHS assessment centre and are made aware of the numbers of children who would benefit from early placement. Particular to our school is the ability to cater for the range of associated medical difficulties this pupil population often has and we would look to develop a sustainable model that could continue to provide high class Health and Education provision on one site.”
Jenny Boyd, Head Teacher, Rosewood School 1

1 Educational Justification as submitted in the planning Design and Access Statement

2.0 Summary of Approach to Sustainability and Carbon Reduction

The design team have taken an innovative and integrated approach to sustainability from the outset. The architectural solution by Hunters has been developed in collaboration with Ramboll Environmental Engineers since the project's inception to ensure that the building will be as energy efficient as possible within the constraints and funding.

As a result of the applied technical expertise and efforts of the Design team, the resulting design is believed to be highly sustainable, and energy efficient.

2.1 Passive Sustainable Measures:

The first stop when designing a sustainable development is the introduction of passive sustainable measures. These are sustainable design factors which are inherently built into the project, and do not rely on complex technology which is subject to inefficiency and unreliability. The passive technologies built into Rosewood will include:

- **Site Selection** – re-use of an existing brownfield site adjacent to an existing facility, ex-landfill. This land re-use comes at a premium cost, with deep pile foundations and contamination control measures
- **Best Orientation** - Classrooms north facing for thermal stability.
- **Daylighting** - Clerestory roof lights have been included in the design to introduce excellent levels of daylight to what would otherwise be artificially lit deep plan spaces. (SEN Schools have are inherently difficult to achieve good daylight levels due to the necessity to condense the footprint of the building to reduce circulation distances.)

Thermal Stability

- The building will be highly insulated with U-values improved upon building regulations part L2A requirements by 15%
- Use of exposed thermal mass to reduce temperature swings and peaks, reduce the need for heating and cooling

Natural Ventilation

- The building will be naturally ventilated to all but hygiene areas which have a specific requirement for mechanical ventilation.
- No air conditioning. Note: Air conditioning is installed in the existing building. This has been designed out of the proposed building as a result of the thermal stability measures and night-time cooling.

Avoiding the loss of trees and habitats where possible. Loss of trees has been avoided wherever possible. The site is restricted, and as such some trees of low ecological value will be sacrificed. Trees to be removed will be compensated for with tree planting as per SCC planners requirements.

2.2 Active Sustainability Measures:

Active sustainability measures have been designed into the project to further enhance the building's performance. Rosewood will utilize the following active technologies:

Photo-voltaic panels

- 25% Carbon reduction is estimated, to be achieved through the installation of P.V. panels on the flat roof of the new building

- **Low energy heating**

- Specification of high efficiency gas boilers
- High efficiency underfloor heating
- Heat recovery units to mechanical ventilation

- **Low energy lighting**

- Specification of high efficiency fittings and luminaires throughout
- Lighting to be switched off by PIR motion detectors when spaces are un-occupied

- **Night-time Cooling**

- Vents will automatically open in the classroom facades to allow the high-thermal mass of the building to store 'coolth' during the night-time, which will have the effect of more stable temperatures during the day-time reducing the need for summertime cooling.

document

3.0 Justification for targeting BREEAM Very Good:

BREEAM credits lost due to project specific requirements

BREEAM is a measure of sustainability and good practice in construction, however, it is effectively a 'box ticking exercise' which treats all projects of a category as equal. Rosewood is a highly specific project with specific requirements. The functional requirements cannot be compared to other buildings in its BREEAM category.

The specialist requirements imposed by the Rosewood project brief results in the loss of BREEAM credits for

the following reasons:

Use of energy and Resources

- The school requires a highly controlled environment - Pupils at Rosewood are PMLD Special needs pupils with a high susceptibility to illness and life limiting conditions. Safety and wellbeing of these pupils is absolute priority when designing the facility. Instability in temperature can cause seizures and as such the school has particularly high energy demands.
- Specialist lighting requirements for visually impaired have a higher than usual energy requirement
- High water usage due to specialist hygiene requirements.
- Use of specialised finishes which are not necessarily BREEAM compliant

Transport

- Children are transported to the school by specialist, wheelchair adapted mini-busses.
- High numbers of peripatetic staff are required to provide specialist nursing and therapy
- Specialist teachers come from a broad catchment area.

BREEAM credits lost due to site selection

BREEAM credits can be gained and lost due to site selection. In the case of Rosewood, the re-use of a brownfield site only scores 1 credit. This credit is lost many times over elsewhere in the BREEAM checklist due to air quality, ecology and constraints imposed by site contamination. If the building were built on a greenfield site, with high air-quality, no presence of contamination and greater opportunities for bio-diversity, the project would score more highly.

Unjustifiable BREEAM credits lost

Many of the BREEAM points are of little or no value to Rosewood due to the size and nature of the new building. For instance, many credits can be won by sub-metering different areas of the building. For a building of >5000sq.m with multiple occupiers these credits have value, but for the Rosewood extension, a building <900sq.m and a single occupier, these credits have no value. Spending additional funds on installing unnecessary metering cannot be justified when there is an urgent need for highly costly and specialised school equipment.



Education Funding Agency
33 Greycoat Street
London
SW1P 2QF

Tel: 0370 000 2288
Email enquiry form:
www.education.gov.uk/help/contactus

Steve Lawrence
Planning Officer
Planning and Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LS

19 November 2012

Dear Mr Lawrence,

Rosewood School – Planning Application and BREEAM

I am the Education Funding Agency's (EFA) Project Director for Rosewood School. The EFA is responsible for funding the school's extension and I am writing with regard to the school's planning application and BREEAM. I understand that Southampton City Council requires for the school's extension to have a BREEAM Excellent rating. However, I believe there are exceptional education needs in this case and therefore why EFA supports a BREEAM Very Good rating.

Rosewood School is working at maximum capacity under its current building arrangements and is heavily oversubscribed. The school was built for 30 and it now has 42 children. The accommodation of extra pupils has compromised the education as space is so limited. The equipment needs of the pupils is significant; each pupil has four pieces of mobility equipment in addition to positional equipment. The school's therapy has had to be rehoused in a cupboard which is limiting therapy and the medical clinics the school needs to host in order to meet the children's needs. There are a number of children seeking places at the school and the school is already considering pupils for placement in September 2013 in the school's Further Education classes. Without the extra places the extension would provide, these pupils would need to travel great distances to out of county placements.

The school is in a position of having to inform both pre-school and school age children that it is full. A number of parents have had to seek alternatives to their preference of Rosewood, their local provision, due to the school's current lack of accommodation.

National statistics and research show an increasing population of children with PMLD (profound and multiple learning disabilities) as detailed in the Specialist Schools and Academies Trust report, available at: http://complexld.ssatrust.org.uk/uploads/CLDD_project_report_final.pdf). More children are being born with very complex needs and they are surviving much longer. For example, between 2004 and 2009, the total number of children with severe learning disabilities (SLD) increased by 5.1%, and the total number of those with Profound and multiple learning disabilities (PMLD) rose by an average of 29.7%. Rosewood School is responding to research on the benefits of early intervention both for the child and their family. The school currently works very closely with Wordsworth House an NHS assessment centre in Southampton and is made aware of the numbers of children who would benefit from early placement. Particular to Rosewood School is its ability to cater for the range of associated medical difficulties this pupil population often has and it wants to develop a sustainable model that could continue to provide high class Health and Education provision on one site.

The need for Rosewood School to extend is well known. Southampton City Council has supported the school's change in designation from Non-Maintained to Free School which opened in September. The EFA has confirmed the capital funding to enable the school to extend pupil places to 60 in September 2013. This is a huge opportunity to make sure that Southampton can provide for this group of very vulnerable children with extremely complex needs, and therefore there are exceptional education needs for only requiring a BREEAM Very Good rating.

Yours sincerely,

Mark Bradshaw
Project Director, Free Schools, EFA

Cc (by email):
Jenny Boyd, Rosewood School
Nick Levett, Turner & Townsend

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel meeting 11 December 2012
Planning Application Report of the Planning and Development Manager**

Application address: 100-102 East Street			
Proposed development: Conversion of the mezzanine space (Class A1/A3) to create an additional 6 flats (3 x two-bed and 3 x one-bed)			
Application number	11/01624/FUL	Application type	FUL
Case officer	Steve Lawrence	Public speaking time	5 minutes
Last date for determination:	08.12.2011	Ward	Bargate
Reason for Panel Referral:	Departure from Local Plan	Ward Councillors	Councillor Tucker Councillor Noon Councillor Bogle
Applicant: Warrant Securities Ltd		Agent: Hives Architects LLP FAO Cornelius Kavanagh	
Recommendation Summary	Delegate to the Planning and Development Manager to issue a conditional permission, subject to the completion of a planning legal agreement.		

Reason for granting Permission

The application constitutes a departure from the Development Plan policy CS20 of the adopted Core Strategy but is compliant with the other relevant Policies of the Development Plan set out below. On the basis of seeking to ensure long term availability of appropriately sized retail units within the city centre, and in the interests of providing residential accommodation within the city (in accordance with the aspirations of policies RE14 of the Local Plan and CS4 of the Core Strategy), the inability to meet a 20% reduction in CO2 emissions is not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been allied 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, SDP5, SDP7, SDP9 and RE14 of the City of Southampton Local Plan Review (March 2006) and CS3, CS13, CS16, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of an undertaking by the Senior Manager - Property, Procurement and Contract Management under S.106 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 (March 2006), Policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended).
 - ii. A financial contribution towards strategic transport projects for improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
 - iii. Financial contributions towards the open space improvements required by the development in line with Policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended) and to mitigate for the loss of that part of the site which is currently protected open space.
 - iv. Provision of affordable housing in accordance with Core Strategy CS15.
 - v. 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.
2. In the event that the legal agreement is not completed within two months of the Panel resolution the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
3. That delegation be given to the Planning and Development Manager to vary the wordings of conditions and S.106 clauses

1.0 Background

- 1.1 At its meeting on 18 September 2012, the Panel resolved to grant planning permission subject to no further representations being received by the end of statutory publicity (none has been) and the completion of a planning legal agreement (draft currently with applicant for comment/an necessary adjustment). The Panel also resolved to impose the following further planning condition:-

13. APPROVAL CONDITION – Sustainability Measures (Pre-commencement Condition)

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating a green roof, green wall or other additional retro fit energy minimisation, renewable energy or low carbon technologies to the building. If feasible, the report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) saved policies SDP13 and SDP6.

- 1.2 The applicant now asks for that matter to be reconsidered and their request is reproduced as **Appendix 2**. They also ask for adjustments to the plans (differences detailed in paragraph 3.5 below) to be approved by the Panel and for the original condition 6 to be deleted as it appeared to duplicate the requirements of condition 3 relating to sustainable measures that could be included as part of the development based upon a detailed assessment written by Elmhurst Energy (dated 5.10.2011). This has given a thorough overview of the various sustainable measures that might have been considered , concluding that air source heat pumps were the best option to pursue. Condition 3 refers to the 21.8.12 review of that option, which concluded such measures were not feasible. Whilst being prepared to provide a feasibility report on the incorporation of a green wall/green roof system, the applicant considers that the previous detailed assessment has already looked into providing:-

“or other additional retro fit energy minimisation, renewable energy or low carbon technologies to the building”

- set in the wording of the Panel’s condition 13 above, and concluded that the measures set out, were what could feasibly be achieved to reduce the building’s carbon emissions.

- 1.3 In summary, this matter is brought back to the Panel to ask the Panel to (a) sanction the alternative plans/drawings, (b) delete condition 06 and (c) vary the wording to condition 13 above to only require a feasibility study into green wall/roof systems to be incorporated on the building.

2.0 The site and its context

- 2.1 The site is located on the south western corner of the junction of East Street and Queens Way within the city centre.
- 2.2 The site is allocated under saved policy REI 4 (Primary Frontage) under the City of Southampton Local Plan Review.
- 2.3 The five storey building is comprised of two retail units at ground floor and mezzanine floor and 18 residential flats to upper floors. Service access for the retail and the residential units is indicated from Canal Walk, with a separate entrance for the residential units from the middle of the buildings Queen's way frontage.

3.0 Proposal

- 3.1 The application seeks consent to alter the external appearance of the front elevation to enable the conversion of the existing mezzanine space to residential dwellings and split the existing two retail units into four.
- 3.2 The A1/A3 use of the ground floor commercial space will be retained as presently consented
- 3.3 The loss of retail space will be 339m², with a loss of 308m² of retail space at mezzanine level and another 31m² of retail area at ground floor. This is a result of the division of the units and the increase amount of bicycle and bin storage.
- 3.4 A new residential access will be created fronting Queensway, and individual entrances to each of the proposed shop units will be inserted within the glazed shop frontages.
- 3.5 E-mail 18.10.12 from the agent summarises the elevational changes and reasoning behind them as:-
 - 1. Air bricks to the front and side elevations. Whilst these are shown on the plans as being dark in colour, it is proposed that the bricks will be in keeping/of the same colour as those existing bricks to the front and side elevations.
 - 2. Alteration to the stores at mezzanine floor level to provide provision for vertical smoke vents to comply with Building Control requirements.
 - 3. Removal of tenants storage boxes from within the stores at mezzanine floor level due to their alteration.
 - 4. Internal alterations to the ground floor retail space

5. Increased provision of bicycle storage on ground floor

As these changes are relatively minor, the only re-consultation that has been undertaken is with the SCC Pollution and Safety Team, whose comments are set out below in paragraph 6.6.

4.0 Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 Policy RE14 of the Local Plan Review requires development within secondary retail frontage to retain an ‘A’ use class which retains an active frontage and offers a direct service to the public.
- 4.3 Policy CS4 of the adopted Core Strategy identifies that in order to meet sufficient housing provision within the city, homes will generally need to be built at higher densities, be more energy efficient, and use more sustainable building methods.

5.0 Relevant Planning History

- 5.1 10/01084/PREAP1 - Change of use of mezzanine retail space to provide 3 x 1 and 3 x 2 bed flats and subdivision of existing A1/A3 of ground floor units into 4 x A1/A3 Units - Closed.
- 04/00012/FUL - Construction of five storey building comprising retail (class A1 / A3) on ground and mezzanine floors and 18 residential apartments (one and two-bedroom units) on upper three floors, following the demolition of the existing building - CAP - 24.01.2005.

6.0 Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice on the 03.11.2011. At the time of writing the report 0 representations have been received.
- 6.2 **SCC Highways** – No objection.
- 6.3 **SCC Sustainability Team** – No objection
- 6.4 **SCC Urban Design** – No objection
- 6.5 **Southern Water** – No objection.

6.6 **SCC Pollution and Safety** – The amended plans have been reviewed and there are no objections. There is no odour /noise nuisance caused by the re-positioning of the flues

7.0 **Planning Consideration Key Issues**

7.1 The application needs to be assessed in light of the following key issues

Key issues:

- Principle of Development
- Design and Residential Amenity
- Parking and Highway Safety Issues
- Sustainability

7.2 **Principle of Development**

7.2.1 The A1/A3 use of the ground floor commercial space will be retained as presently consented, with the existing two retail units split into four. The applicant argues that the size of the proposed retail units are more viable in today's economic climate. In planning terms, a commercial frontage is retained within a primary shopping area and it is inherently better to encourage unit types that will be occupied rather than left vacant. As such, there is no objection to splitting the units as proposed. In addition, there is no objection to the loss of retail floor space for residential purposes as it is considered that sufficient and accessible retail units are retained.

7.2.2 The principle of residential units on this site has been established. Therefore, the addition of six residential units on site is accepted subject to compliance with residential amenity standards.

7.3 **Design and Residential Amenity**

7.3.1 The original building (ref: 04/00012/FUL) was designed as a statement building, one to address the corner and provide a link between East Street and the East Street shopping area.

7.3.2 The proposed alterations to the front elevation are considered to be of sympathetic proportions to the existing building and will not detract from the commercial appearance of the buildings ground floor frontage.

7.3.3 During the course of the application an amendment to the design was sought by the applicant to increase the window head height to the curtain wall elements. This is necessary to meet building regulations.

7.3.4 The drawing revision C shows the current head height, with window and door detail added. Due to the acoustically rated window ventilation the clear glazed height would be reduced to an

- unacceptable 1790mm.
- 7.3.5 The drawing revision D shows the proposal to increase this by 150mm (i.e. 2 courses of brickwork). In this case the clear height to the top of the glazing would be 1940, roughly a standard door height, and therefore more comfortable for future residents.
- 7.3.6 In addition and in order to get sufficient ventilation on the North and South facades, a single window has been made into a double window.
- 7.3.7 The proposed amendment is considered acceptable. It does not adversely affect the appearance of the building.
- 7.3.8 Sufficient access, outlook, light and privacy is afforded to the new dwellings without adversely affecting existing residents of the building.
- 7.3.9 Sufficient cycle and refuse storage is provided. There is no amenity space provided for the flats, however, the city centre location and close proximity to city parks makes it unreasonable to refuse an application on such grounds.
- 7.3.10 The proposal provides no car parking. The site is located centrally with good access to public transport systems and public car parks. A zero parking scheme is therefore considered acceptable.
- 7.4 Sustainability Issues
- 7.4.1 It was originally the applicant's intention to provide air source heat pumps in order to achieve compliance with policy CS20 of the adopted Core Strategy's requirement of a 15% reduction in Co2 from new conversions. However, it has become apparent that the cost to supply and install the necessary equipment will render the scheme financially unviable.
- 7.4.2 The alternatives to Air Source Heat Pumps were previously discounted, as the service risers in the existing building do not provide sufficient space in which to run solar thermal pipe work from the roof to the proposed flats, as these risers are to be retained to facilitate the A3 Restaurant use at ground floor level.
- 7.4.3 The original SAP calculations submitted in the early stages of planning were based upon an approximate build and therefore did not consider the chosen materials/construction details proposed to be employed as part of the conversion, nor were some aspects of the existing structure fully considered. The details have been considered in respect of the existing structure, as in developing the original building in 2006/7 a concrete frame construction with dense block work which provided superior levels of thermal insulation, rather than the cheaper option at the time of steel frame and stud/timber, was used.

- 7.4.4 The applicant has obtained a 'Baseline' SAP calculation, using generic building materials/construction details to accord with the minimum standards set out in the 2010 Building Regulations.
- 7.4.5 Based upon a comparison of the updated SAP calculation and the 'baseline' SAP model, the applicant identified a number of efficiency improvements such as using improved efficient lighting, reduced number of light fittings, improved efficiency hot water cylinders, improved glazing u-values in respect of the curtain walling, etc. from which it has been calculated the CO₂ reduction (offered by the construction of the proposed conversion) of 3.59% from that of the 'baseline'.
- 7.4.6 The level of work carried out to meet a reduction in CO₂ is both detailed and comprehensive. The Southampton City Council Sustainability team is satisfied that the assessment made is accurate. In the interests of enabling the continued use of retail units within the city centre, and providing residential dwellings it has been agreed by officers of the Council that in order to secure a financially viable form of development, a reduction in 3.59% of CO₂ emission is accepted.
- 7.4.7 The applicant notes that there has never been any complaint from any resident of the existing eighteen flats as to the heat loss or the cost of heating. It is considered that this is due to the thermal properties of the development, which retains the heat and provides sufficient ambient temperatures to allow the residents to reduce their individual heating demand.

8.0 Summary

- 8.1 The proposed development would make good use of the site to provide housing whilst retaining retail floor space within the city centre.
- 8.2 The improved layout of retail floor space is likely to encourage users into the units, which in turn will boost the vitality of East Street and Queens Way. In this instance, such benefits to the city are considered to outweigh the requirement of meeting a 15% reduction in CO₂ emissions.

9.0 Conclusion

- 9.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

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

1(a), 1(b), 2 (b), 2(d), 4(f) 7(a)

SL for 11.12.2012 PROW Panel

PLANNING CONDITIONS

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

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

Reason:

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

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

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and shop front of the 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.

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. APPROVAL CONDITION – Sustainability [Pre-Occupation Condition]

The development hereby approved must be constructed so as to achieve a 3.49% reduction in CO2 emissions over part L of the Building Regulations (as set out in an email from the agent on 21st August 2012). The works shall be verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason

To ensure the development minimises its overall demand for resources

04. Approval Condition - Ancillary equipment details (pre-occupation condition)

The equipment installed for any use within Class A3 of the commercial floor space shall include an odour neutralisation plant including fume filtration and extraction equipment that is suitably sound attenuated. Such equipment shall be maintained in good working order and operated in such a manner as will effectively suppress the emission of fumes or smells. Details of the equipment must be submitted to and approved in writing by the Local Planning Authority and the equipment must be installed and in full working order prior to the commencement of any A3 commercial use.

REASON:

To protect the amenities of the occupiers of adjoining properties.

05. Approval Condition - Soundproofing (Pre-commencement condition)

Before the change of use hereby permitted is implemented a detailed scheme for the soundproofing of the flats shall be submitted to and approved by the Local Planning Authority. The agreed scheme of soundproofing shall include double glazing to windows and noise attenuation insulation to the floor space and walls between the residential flat accommodation and the commercial areas. The agreed scheme of soundproofing shall be fully implemented to the satisfaction of the Local Planning Authority before the flats hereby approved are first occupied.

REASON

To protect the amenities of the occupiers of adjoining properties.

06. Approval Condition - Control of use (Performance Condition)

The ground floor of the building shall be used for shop use (Class A1) and / or restaurant use (Class A3) purposes.

Reason:

To control the use for the benefit of the general amenities of the area, and specifically for the amenities of surrounding residential properties.

07. Approval Condition - Hours of operation - (Performance Condition)

Unless the Local Planning Authority agree in writing, the commercial floor space proposed as part of the premises to which this permission relates shall not be open for business outside the hours specified below:

Sundays to Thursdays 8.00am to 11.00pm

Fridays to Saturdays 8.00am to 12.00pm

REASON

To protect the amenities of the occupiers of adjoining residential properties.

08. Approval Condition - Hours of Construction (Performance Condition)

All works relating to the construction of the development hereby granted, 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.

09. Approval Condition - Wheel Cleaning (Performance Condition)

During 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.

10. Approval Condition - Refuse and Cycle Storage (Performance Condition)

The refuse and cycle storage for the residential and commercial units hereby approved must be made available prior to their first occupation and thereafter retained for that purpose at all times.

Reason

in the interests of residential amenity and to encourage cycling as a mode of sustainable transport in accordance with policy SDP5 of the adopted Local Plan Review (March 2006).

11. APPROVAL CONDITION - 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.

12. APPROVAL CONDITION – Sustainability Measures (Pre-commencement Condition)

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating a green roof, green wall system to the building. If feasible, the report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development maximises the potential to enhance biodiversity and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policies CS20 and CS22 and the City of Southampton Local Plan (March 2006) saved policies SDP6 and SDP12.

Note to Applicant

1. Pre-Commencement Conditions: Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

2. The site is situated within a city centre location and is surrounded by public footpaths. Any disruptions due to the construction to the public highway would be of concern. But because the site is so close to the public footpath, a temporary road closure/diversion would probably be required in which case a licence will need to be obtained. This is however a separate process to planning. Please contact Mark Chase on 203 8079 8073 to discuss such a licence.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

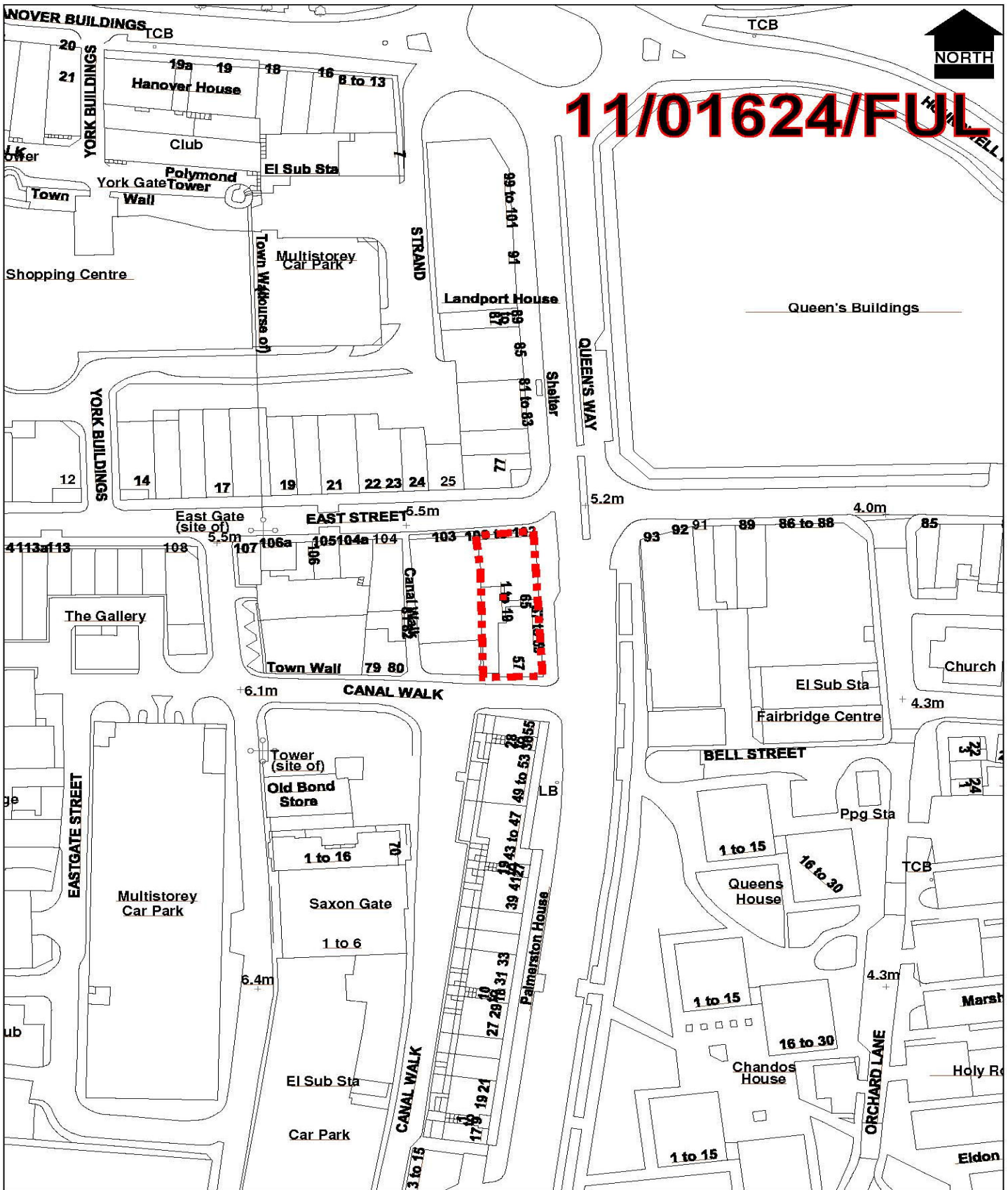
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
REI4	Secondary Retail Frontage

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD



11/01624/FUL



Scale : 1:1250

Date 28 November 2012

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