

Planning and Rights of Way Panel

Tuesday, 13th November, 2018
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Rooms 3 & 4 - Civic Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Coombs (Vice-Chair)
Councillor Claisse
Councillor L Harris
Councillor Mitchell
Councillor Murphy
Councillor Wilkinson

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

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

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

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

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

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 2017/18

2018	
29 May	11 September
19 June	9 October
10 July	13 November
31 July	11 December
21 August	

2019	
8 January	12 March
29 January	2 April
26 February	23 April

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 INTERESTS

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

DISCLOSABLE PECUNIARY 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 an, '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

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 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 8)

To approve and sign as a correct record the Minutes of the meetings held on 9 October 2018 and to deal with any matters arising.

3 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.

4 STATEMENT FROM THE CHAIR

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 18/00823/FUL - THORNHILL YOUTH CENTRE

(Pages 13 - 50)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 17/01683/FUL - 119-122 HIGH STREET

(Pages 51 - 84)

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 18/01442/FUL - 10 OAKMOUNT AVENUE

(Pages 85 - 96)

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

8 PLANNING APPLICATION - 18/01483/ FUL - 100 SPRING ROAD

(Pages 97 - 112)

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

9 QUARTERLY DEVELOPMENT MANAGEMENT FIGURES

(Pages 113 - 116)

Report of the Service Lead - Infrastructure, Planning and Development detailing key planning metrics for information and consideration.

Monday, 5 November 2018

Director of Legal and Governance

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 9 OCTOBER 2018

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse, L Harris, Murphy, Wilkinson and Mintoff

Apologies: Councillor Mitchell

27. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Mitchell from the Panel, the Director of Legal and Governance acting under delegated powers, had appointed Councillor Mintoff to replace them for the purposes of this meeting.

28. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meetings held on 21 August 2018 and 11 September 2019 be approved and signed as a correct record.

29. **TO CONFIRM THE SOUTHAMPTON (192 OAKLEY ROAD) TREE PRESERVATION ORDER 2018 (APPENDIX 1)**

The Panel considered the report of the Head of Transactions and Universal Services detailing an objection to a Tree Preservation Order at 192 Oakley Road.

On consideration of the officers recommendation to confirm the above Tree Preservation Order there commendation was carried.

RECORDED VOTE:

FOR Councillors Savage, Coombs, Claisse, L Harris, Murphy and Mintoff

AGAINST: Councillor Wilkinson

RESOLVED that the Panel confirmed The Southampton (192 Oakley Road) Tree Preservation Order 2018 without modifications.

30. **PLANNING APPLICATION - 17/02592/OUT - 111-113 PAYNES ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Re-development of the site. Erection of 40 dwellings; 31 flats (3x 3-bed, 20x 2-bed, 8x 1-bed flats) and 9x 3-bed houses and a commercial building (class B1(b) or C) (Outline application seeking approval for Layout, Access and Scale). Departure from the Local Plan.

Andy Greenhalgh and Jeremey Hayes (local residents objecting), Graham Linecar (Southampton Common and Parks Protection Society), Robin Reay (agent), and Councillor Shields (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer clarified the description noting that the proposed outline was for a total of 40 dwellings. It was also reported an amendment to the recommendation within the section 106 for the provision of an accessible path into Freemantle Lake Park, as set out below. The Panel requested that an additional condition be added, as set out below, to ensure the use of permeable paving materials.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE to delegate planning permission

FOR: Councillors Savage, Coombs, Claisse, L Harris, Murphy and Wilkinson

ABSTAINED: Councillor Mintoff

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Service Lead – Planning, Infrastructure and Development Manager to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), Policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - b. Either the provision of 35% affordable housing in accordance with LDF Core Strategy Policy CS15 or a mechanism for ensuring that development is completed in accordance with the agreed viability assessment (without any affordable housing) and that a review is undertaken should circumstances change and the development stall;
 - c. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - d. Either a financial contribution or the submission and implementation of details to be approved providing a permanent, publicly accessible pedestrian link into Freemantle Lake Park from the development to deal with the current change in levels. Details shall include a stepped and/or level access from the development site into the adjacent park, taking account of existing trees, with the agreed works to be implemented prior to first occupation of the units 06-40.
 - e. 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 (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

- f. The submission, approval and implementation of a Carbon Management Plan setting out how carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - g. Submission and implementation of details to be approved providing a permanent, publicly accessible pedestrian link with Freemantle Lake Park.
 - h. Submission and implementation of details to be approved providing a permanent, publicly accessible pedestrian link with Freemantle Lake Park.
 - i. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets (Controlled Parking Zones).
- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead- Planning Infrastructure and Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
 - (iv) That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional Condition

36. PERMEABLE PAVING

Notwithstanding the approved plans permeable paving shall be provided for all the pedestrian and vehicle accesses, parking spaces and hardstanding amenity areas.
REASON: To ensure satisfactory drainage provision for the area.

31. **PLANNING APPLICATION - 18/01332/FUL - 32 CLIFTON ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Conversion of existing building from 5 flats to 10 flats (7x studio flats and 3x 1-bed flats) and increase on site car parking from 11 to 16 spaces (part-retrospective)
(resubmission 18/00590/FUL)

Phil Lester (local resident objecting) and Councillors Taggart and Galton (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that two late objections received from neighbouring residents raising no new issues not already been covered in the Panel Report. In addition it was noted that the report referred to approval reference 12/01600/FUL which had not partially implemented. It was explained to the Panel that the works commenced after that permission had expired. The Panel also noted that there were 7 flats in existence and not 8 as stated in the report.

Upon being put to the vote the officer recommendation to conditionally grant approval was lost.

A further motion to refuse approval for the application for the reasons set out below was then proposed by Councillor Savage and seconded by Councillor Coombs was then carried unanimously.

RESOLVED to refuse planning permission for the reasons set out below:

REFUSAL REASON - Poor Living Environment

The proposed conversion of the building from 5 to 10 flats (part retrospective), would provide an unacceptable living environmental for future occupiers by reason of the limited size of the proposed studio units. The poor living conditions arising from the cramped environment would be compounded by a lack of natural sunlight for those units with a single north facing aspect. The proposal is thereby contrary to policies SDP1 of the amended City of Southampton Local Plan Review (2015), policy CS13 of the adopted Local Development Framework Core Strategy (2015), Section 2.2 of the approved Residential Design Guide SPD (2006) and Section 3 of the BRE Site Layout Planning for Daylight and Sunlight - A guide to good practise.

32. **PLANNING APPLICATION - 17/02443/OUT - 2 VICTOR STREET**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a part 6-storey, part 5-storey building containing 45 flats (5x 3-bed, 6x 2-bed, 34x 1-bed) with associated parking and cycle/refuse storage, following demolition of existing building (Outline application seeking approval for Access, Appearance, Layout and Scale) (amended description)

James McCarthy (local resident objecting) and Bob Wiles (agent) were present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse to the application for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Wilkinson

RECORDED VOTE to refuse planning permission

FOR: Councillors L Harris, Mintoff, Murphy and Wilkinson

AGAINST: Councillors Claisse and Savage

RESOLVED to refuse planning permission for the reason set out below:

Reason for Refusal

REFUSAL REASON - Failure to provide Affordable Housing and S.106 Mitigation

In the absence of a completed S.106 Legal Agreement the application fails to mitigate against its direct impacts and do not, therefore, satisfy the provisions of policy CS25 of the adopted Local Development Framework Core Strategy (Amended 2015), as supported by the Council's Supplementary Planning Guidance on Planning Obligations (April 2013), in the following ways:-

- (a) The Council's Strategy (2016-2020) "Southampton – a city of opportunity where everyone thrives" identifies how the provision of affordable housing in the City can contribute towards strong and sustainable economic growth. As the scheme triggers the threshold for the provision of affordable housing it is expected, as required by Policy CS15 from the adopted Local Development Framework Core Strategy Development Plan Document (2015), to make a provision towards the acute affordable housing need across the City, which at August 2018 had reached 8,300 applicants on the Housing Register waiting to be rehoused. As proposed the scheme makes nil provision towards this evidenced need, and whilst the delivery of private housing in a sustainable location and the scheme's viability have been afforded weight in the consideration of the planning application and the merits of the scheme as a whole they do not outweigh the need to secure a mix of good quality affordable housing to meet the acute needs in the City as required by Policy CS15, and to assist in supporting strong, vibrant and healthy communities as required by paragraph 8 of the National Planning Policy Framework (NPPF) and the Council's Strategy (2016-2020) and, as such, nil affordable housing in this instance has been considered as contrary to Policy CS15.
- (b) In addition, in the absence of the completed S.106 legal agreement, the following mitigation has not been secured:
- (i) Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site, including the bus stop relocation, service bay, and any necessary Traffic Regulation Orders to facilitate any changes, in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - (ii) Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - (iii) Submission of a highway condition survey to ensure that any damage to the adjacent highway network attributable to the construction process is repaired by the developer;
 - (iv) Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets whereby residents are informed of the Council's current policy for issuing permits;
 - (v) Financial contributions, or an alternative approach, towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and,
 - (vi) The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).

33. **PLANNING APPLICATION - 18/01467/FUL - 350 SHIRLEY ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel decline to determine the application for a proposed development at the above address

Use of part of the curtilage of 350 Shirley Road for the display and storage of motor vehicles for sale.

Paul Finnegan (applicant) and Councillor Taggart (ward councillor supporting) were present and with the consent of the Chair, addressed the meeting.

The planning officer stated that amended plans (reducing area being proposed for car sales and increasing area for customer parking) had been submitted by applicant on 03.10.18. The Panel noted that plans had been reviewed by Councils Conservation Officer and that the advice remained that proposal would have a harmful impact on the listed building.

The Panel then considered the officer's recommendation. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel gave approval for the Council to Decline to Determine this retrospective planning application in accordance with s70C of the Town and Country Planning Act as the proposed development affects land to which a pre-existing enforcement notice relates.

34. **PLANNING APPLICATION - 18/01465/FUL - 350 SHIRLEY ROAD**

Report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel refuse to grant approval in respect of an application for a proposed development at the above address.

Change of use of part of the ground floor, first floor and second floor of the building to a 5 bedroom House in Multiple Occupation (HMO) (C4 Use) including internal works to facilitate this use (part retrospective) (submitted in conjunction with 18/01466/LBC)

Paul Finnegan (applicant) was present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to refuse to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be refuse for the reasons set out within the report and the additional reason set out below.

ADDITIONAL REASON FOR REFUSAL

Reason for Refusal – Lack of information on necessary facilities

The proposed cycle storage is considered to be of generally poor quality in terms of failing to provide direct and easy access to the storage facilities from the public highway. No details have been provided of refuse storage. Taking into account the special significance of the property as a Grade II listed building and partially

retrospective nature of the application, it is not considered appropriate to seek to secure details of structures at a later stage which are necessary to secure a good quality living environment for the occupants as they have the potential to harm the appearance and setting of the listed building. As such the failure to provide clarity on how these matters will be addressed is not acceptable. Therefore, the proposal is contrary to saved Policies SDP1(i), SDP4(ii), SDP5(iii), HE3 and H7 of the amended Local Plan Review (2015) and Policies CS13, CS14 and CS19 of the adopted LDF Core Strategy (2015) as supported by the Councils Parking Standards SPD (2011) (with particular reference to section 5.1) and the Councils Residential Design Guide SPD (2006) (with particular reference to section 9).

35. **PLANNING APPLICATION - 18/01561/FUL - 35-36 OXFORD STREET**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use of Basement to a bar venue providing food, drink, dancing and musical entertainment and external alterations to front elevation.

Simon Foderingham (Applicant) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since publication of the report there had been the following correspondence had been received that set out:

- An objection received from the City Councils Flood Team due to the lack of a Flood risk assessment;
- Request from the City Councils Heritage Officer to have the proposed new door access to the basement recessed;
- That the Police had raised no concerns to the applicants proposed operating hours of 2am;
- A concern raised by the City Councils licensing team regarding the potential impact on local amenity as a result of extending the operating hours beyond the currently licensed 1am closing time;
- An objection from the City of Southampton Society regarding proposed opening hours and concern raised regarding means of escape: and
- A request from City Councils s106 officer for contributions to late night community safety facilities.

The presenting officer explained that given the correspondence the nature of the recommendation to the Panel would need to be amended as set out below.

The Panel noted that previously the Panel had agreed a closing time of 2:00pm and that works had not commenced as the basement had flooded. The Panel were minded to agree an additional condition and amend the hours use, as set out below, in order to grant permission on a similar basis.

The Panel then considered the officer recommendation as amended to grant conditional planning permission. Upon being put to the vote the recommendation was carried.

RESOLVED

- 1) that authority be delegated to the Service Lead Planning, infrastructure and Development subject to the conditions set out within the report and any additional or amended conditions set out below and:
 - (i) The applicant entering into a S106 to secure contributions towards late night community safety facilities;
 - (ii) The withdrawal of the Flood Team's objection following receipt of a Flood Risk Assessment;
- 2) In the event that the S.106 is not completed and the Flood objection cannot be addressed that the Panel delegated authority to the Service Lead Planning, Infrastructure and Development for a refusal of the application on these grounds

Additional and Amended Conditions

03. APPROVAL CONDITION - Hours of Use - Performance Condition

Unless the Local Planning Authority agree otherwise in writing, the premises to which this permission relates shall not be open for business outside the hours specified below:-

10.00 am to 02.00 am Monday to Sunday including recognised Public Holidays.

REASON: To protect the amenities of the occupiers of nearby residential properties.

11. APPROVAL CONDITION - Register of Members - Performance Condition

The basement area shall be operated as a private members club (sui generis use) and a register of members shall be maintained and made available for inspection by the Local Planning Authority. Details of how the membership scheme will be operated shall be agreed in writing with the Local Planning Authority prior to the first use of the basement for its approved use, with the premises operated in accordance with the agreed scheme thereafter.

REASON: To ensure the club is operated and managed in a manner which would be minimise the potential impact on the amenity of local residents given the permitted operating hours extending beyond midnight.

INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13th November 2018 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AG	DEL	15	18/00823/FUL Thornhill Youth Centre
6	MP/AG	DEL	15	17/01683/FUL 119-122 High St
7	AA	CAP	5	18/01442/FUL 10 Oakmount Avenue
8	JF	CAP	5	18/01483/FUL 100 Spring Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

AG – Andy Gregory
MP – Mat Pidgeon
AA – Andy Amery
JF – John Fanning

Southampton City Council - Planning and Rights of Way Panel

Report of Planning & Development Manager

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 Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Local Transport Plan 2006 – 2011 (June 2006)
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. Statutory Plans in Preparation

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) Developer Contributions SPD (September 2013)
 - (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 Aldermoor 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)

* 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. Government Policy Planning Advice

- (a) National Planning Policy Framework (July 2018)
- (b) National Planning Policy Guidance Suite

7. 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 2013)

**Planning and Rights of Way Panel 13th November 2018
Planning Application Report of the Service Lead – Infrastructure, Planning and Development.**

Application address: Thornhill Youth Centre and Boys Club, Bitterne Road East, Southampton			
Proposed development: Redevelopment of the site to provide a three storey building comprising of 12 x 2 bed flats and the erection of 5 x 3 bed houses with associated car parking, bin/refuse, cycle storage and landscaping.			
Application number	18/00823/FUL	Application type	Major Dwellings
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	Over - 03.08.2018	Ward	Bitterne
Reason for Panel Referral:	Five or more letters of objections have been received and a Panel referral request from Cllr Streets	Ward Councillors	Cllr John Jordan Cllr Frances Murphy Cllr Terry Streets

Applicant: GK Management	Agent: N/A
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Recommendation Summary	Delegate conditional approval to the Service Lead – Infrastructure, Planning and Development.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The community facility is no longer viable due to the lack of funding and limited number of user groups and there are alternative community facilities available within the surrounding area. Youth Options have decided to surrender their lease and the Council, as freeholder, has agreed to dispose of the site in June 2016. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP12, SDP13, SDP14, NE4, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) as supported by the relevant provisions within the revised NPPF (2018).

Appendix attached			
1	Development Plan Policies	2	Habitats Regulations Assessment
3	DVS Viability Report		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 2 of this report.
2. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - iv. 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 (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and
 - vi. Off-site affordable housing contribution based on the DVS Viability Assessment dated 21st September 2018 in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

3. In the event that the legal agreement is not completed or progressing within a reasonable timeframe after the Planning and Rights of Way Panel, the service lead – Infrastructure, Planning and Development will be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement, unless an extension of time agreement has been entered into.
4. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Background

Thornhill Youth Centre was opened in June 1945 for the purposes of serving young people of the Thornhill area. The Council lease the site to Youth Options, a charitable trust who have been delivering services to children and young people in Southampton for over 80 years.

Youth sessions ended in April 2011 due to cuts in youth funding. The centre currently supports a dance club and OAP group and is available to hire for private events such as children's parties. The centre no longer receives any funding from the Council and has been unable to secure grants from the National Lottery Fund. The income generated by existing user groups and from private hire is not sufficient to allow for the regular function of the centre which costs approximately £26,000 per year to run.

Due to the lack of funding and limited use, the Youth Centre building is no longer viable and the Council and Youth Options have decided to dispose of the site. Disposal was agreed by the Council under delegated powers on 17 June 2016, and Youth Options have confirmed that any monies received from their surrendering of the lease will be re-invested into community services within Southampton. This is a separate process from Planning.

1 The site and its context

- 1.1 The application site is triangular in shape, located at the junction of Bitterne Road East and Upper Deacon Road and has an area of 0.4 hectares. It comprises a Youth Centre Building and associated car parking area which is framed by trees and landscaping. The majority of the trees on site are protected by The Southampton (Mons Area Thornhill) TPO 1969. The site is located to the West of Thornhill Park Road shopping parade, outside of the defined local centre, and is bound by Bitterne Road East to the north, Upper Deacon Road to the south and residential plots to the west.
- 1.2 The site is accessed from Bitterne Road East with pedestrian access also available from Upper Deacon Road. The surrounding area includes two-storey housing and 2-4 storey flatted development. Double yellow lines are in place along Bitterne Road East and at the junction with Upper Deacon Road.

2 Proposal

- 2.1 The proposal seeks permission for redevelopment of the site with a 3-storey flatted block comprising 12 x 2-bed flats and a two-storey terrace of 5 x 3-bed houses following demolition of the existing Youth Centre building. The existing access arrangements are proposed to be retained.
- 2.2 The terraced housing is orientated east-west with private rear gardens abutting the western boundary with each house provided with 2 car parking spaces to the front. The housing design has a pitched roof form and is finished with face brick.

The housing layout comprises a kitchen and lounge at ground floor with 3 bedrooms with bathroom and en-suite at first-floor.

- 2.3 The flatted block has a pitched roof framing a flat roof and is also finished in face brick. The design incorporates pitched roof gables with Juliette balconies. The flatted block is provided with 13 car parking spaces (including 5 no. car ports). A communal garden is proposed to the side of the flatted block. The 2-bed flats are dual aspect with an area of 61sqm and accessed from a central staircore.
- 2.4 The majority of the existing trees on the site are to be retained with 13 trees to be provided to replace those to be removed to accommodate the buildings, parking and improved sightlines at the access. The proposed means of site enclosure comprises 1.8m height railings to the road frontages and 2.5m height close boarded fencing along the western boundary

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at Appendix 1.
- 3.2 The updated National Planning Policy Framework (NPPF) came into force on 24th July 2018 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 A key thread to the NPPF is the promotion of healthy communities (section 8 refers). Paragraph 91 indicates that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 92 goes on to indicate the need to plan positively for the provision for community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs
- 3.4 Policy CS3 of the Core Strategy (January 2010) is the Council’s most up to date planning policy relating to community facilities and indicates that:

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

4. Relevant Planning History

- 4.1 There is no relevant planning history.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (18.05.2018) and erecting a site notice (18.05.2018). At the time of writing the report **43 representations**

have been received from surrounding residents. The following is a summary of the points raised:

5.2 Loss of Youth Centre and home for KK Dance

Officer Response – Youth Options have decided to surrender the lease because the premises is not viable. Cuts in funding to youth services has meant that the building has not operated youth sessions since 2011. There are now only two user groups who regularly use the building, Dance Club and OAP group. Youth Options are in discussions with the dance club to assist them in finding alternative premises and Bitterne Park Junior school may have potential. The OAP group have also been offered assistance in finding alternative premises but have decided to disband due to declining membership. There are alternative community buildings within the surrounding area including The Hightown Centre (1.5 miles from Thornhill Youth Centre) and The Hinkler Centre (0.8 miles from Thornhill Youth Centre).

5.3 Insufficient car parking will lead to parking overspill into surrounding streets

Officer Response – The scheme provides 2 car parking spaces per 3-bed house and 1 car parking space per 2-bed flat (totalling 22 spaces) which complies with the Council's maximum car parking standards. 2 no. visitor parking spaces are also provided. The maximum number of car parking spaces permissible would be 34 spaces however a balance is needed in the interests of housing delivery and tree safeguarding. No objection has been received from Highways Development Management. Parking controls are in place to ensure that any parking overspill would not have a severe highway safety impact (NPPF test). The application is accompanied by a parking survey to support less than the maximum number of car parking spaces – undertaken 29th and 30th June - which shows spare on-street parking capacity at peak times in the event of any overspill.

5.4 Increased congestion on Bitterne Road East

Officer Response – No objection has been raised by Highways Development Management. The submitted Transport Statement by i-transport indicates the proposal will result in a net increase in one additional vehicle movement during the morning peak and three additional movements during the evening peak (assuming the community use was fully operational). In total, the site would generate one vehicle movement every 7-9mins at peak times which will not have a severe impact on road network capacity.

5.5 Loss of trees

Officer Response – The majority of trees on site are to be retained with only a small number to be removed to facilitate the development. The trees to be removed have been shown as category C trees (trees of low quality) within the submitted Tree Report. The proposed removal of 3 no. pine trees to accommodate the vehicle turning head is unfortunate but the loss of these trees is not considered to adversely harm the character of the site when weighed against the merits of housing delivery. Replacement tree planting at a ratio of 2:1 would be secured. The Tree Team have been involved in the application and their comments are set out in full below.

5.6 Air Quality (increased congestion and quality of living environment)

Officer Response – The site is not located within an Air Quality Management Area and the minor net increase in traffic movements would have a negligible impact on air quality.

- 5.7 There were no lamp post notices or letters sent to residents
Officer Response – The statutory requirements for public consultation have been met and exceeded with letters sent to 43 neighbouring properties, a site notice posted on 18.05.18 and press advertisement was placed in the Hampshire Independent on 18.05.2018.
- 5.8 The flatted block will overlook adjacent housing within Upper Deacon Road
Officer Response – The proposed separation of circa 25m, across a street, will not lead to harmful overlooking. The retained boundary trees will also assist in filtering views.
- 5.9 Pedestrian access will encourage on-street parking within Upper Deacon Road
Officer Response – See comments above regarding parking. It should also be noted that the submitted parking survey identified that circa 12% of available on-street parking spaces were occupied during the survey periods (Friday 29th and Saturday 30th June 00.30-5.30)

Consultation Responses

5.10 SCC Highways

- 5.10.1 No objection subject to conditions to secure drive sightlines, parking, access design, construction environment management and bin and cycle storage. Overall, the scheme is considered acceptable. The parking provision complies with parking policy and is also acceptable. The development is providing slightly under the maximum provision and therefore there maybe the usual concern of potential overspill parking. It is unlikely that this would occur on Bitterne Road West due to the nature of the road and therefore the most likely area susceptible to overspill is along upper deacon road. However, the houses would not have natural surveillance over this and access would be via some steep steps so the attractiveness for residents leaving their cars there would be questionable.
- 5.10.2 Sightlines.
 The plan showing the 2.4m x 70m sightlines are considered to be acceptable. The concerns with right turn movements out may possibly be due to the overgrown vegetation. Furthermore, due to the width of Bitterne Road East, there is somewhat the opportunity for a car to edge out slowly without impacting on the East bound lane too much. Lastly, if these sightlines are provided and maintained, it would meet sightline guidance and standards.
- 5.10.3 Parking Survey
 The parking surveys methodology is acceptable and shows that there are some capacity in the local roads for potential overspill.

5.11 SCC Tree Officer: Objection

- 5.11.1 A majority of the trees on site are protected by The Southampton (Mons Area Thornhill) TPO 1969, therefore are a material consideration to this application. The Sapling arboricultural plan has shown that a number of trees are to be removed to facilitate the construction of the proposed dwellings.
- 5.11.2 The proposal in its current form is not supported by the tree team due to the loss of significant trees and the proximity to trees in respect to the long term impact this will have.

- 5.11.3 I agree with some of the tree losses as these are poor quality trees with limited amenity value to the area (G1.13, G1.15, G1.16, G1.17, G1.18 and G8.44). Any tree that is removed as part of the proposal must be replaced on a 2 for 1 basis. A plan showing the total number lost on site and details of tree planting location, species and size will be required. If there is not suitable space on site to meet the requirement for replacement trees, the number of trees that cannot be put back on site should also be identified on the plan. This number will have to be planted elsewhere in the city and will require a S106 agreement to be in place, if permission is granted.
- 5.11.4 I am opposed to the loss of the Pines on the site as these are a significant feature on site and are also part of the make-up of the local area, therefore I opposes to the installation of the turning head due to the loss of the trees to facilitate this design. I do consider that there is scope to develop on this land, but I feel that, due to the number of units proposed, this has led to a number of trees requiring to be either felled or pruned back.
- 5.11.5 The construction of the bin store is required to be an above ground level construction and is not to be placed on the existing soil level, therefore a method statement on this construction will be required. The construction of any hard standing will be required in a method statement and is not to cause compaction or root severance. The use of a cellular confinement system will be required, but consideration should be given to the difference of final surface height and the existing hard surfaced area within the site, as this can easily be overlooked.
- 5.11.6 The construction of the entrance road also presents the similar problem. Consideration of how the above ground construction will meet the present footpath and highway level, without the need to excavate, will need consideration and careful design.
- 5.11.7 Details about the location of underground services will be required and this are to be kept out of the RPA. If they are required to run through the RPA of the retained trees, a method statement of installation process will be required.
- 5.11.8 My other concern on site is the limited amount of daylight that the open spaces will receive, I would therefore request that shade calculations are undertaken to demonstrate that all gardens receive sun light in line with the BRE recommendations.
- 5.11.9 *Officer Response –The majority of trees on site are to be retained and those proposed for removal, including the 3 no. pines, are located centrally within the site. Tree replacements at a ratio of 2:1 can be secured by condition. The tree protection measures contained within the submitted arboricultural impact assessment and the method statements requested by the Council’s tree officer can also be secured by condition. The impact of the proposed tree removal is not considered adversely harmful to the character and appearance of the area having regard to the small number and location of trees to be removed. There are a large number of trees to be retained on this site and as a consequence there will be some shading across the site however gardens and habitable rooms will not be in total shadow all day (unless north facing) having regard to the site layout and canopy height of the larger pine trees. A balance is made with this recommendation between the retention of significant tree cover and the delivery of housing to meet an identified need.*

5.12 **Ecology:**

5.12.1 No objection subject to conditions to secure the recommendations of the submitted Phase 1 Ecology Survey and Bat Survey.

5.13 **Urban Design Manager**

5.13.1 No objection

A greater window reveal depth of 150mm should be encouraged (75mm proposed) to provide improved relief in the elevations. The access way, parking bays and footways should be block paved to create a high quality domestic feel to the public realm between buildings. Given the degree of shadow generated by buildings and existing trees a silver-grey block paver is probably best. Although I don't object to the proposed approach to planting around the site I presume the detail of the planting will come in as a discharge condition.

5.14 **SCC Land Contamination**

5.14.1 No objection. Suggest a condition to secure a full land contamination assessment and any necessary remediation measures.

5.15 **Archaeology:**

5.15.1 No objection

The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 16 (The Rest of Southampton). The archaeological desk-based assessment submitted with the application has shown that the site was a gravel pit in 1814 (enclosure map of that date), and that the contours of the gravel pit are still apparent on the ground today. The site lies on Pleistocene gravel river terrace 9. On Netley Common river terrace 9 has produced a Palaeolithic handaxe, but that is some way from the site and there is no evidence of such finds from the immediate vicinity of the application site. More recent archaeological remains would have been removed by the quarrying. Therefore, on current evidence, the Council's Archaeologist not require any archaeological conditions to be attached to the planning consent.

5.16 **Environmental Health:**

5.16.1 No objection subject to conditions to control the construction environment.

5.17 **SCC Flood**

5.17.1 No objection subject to a condition to secure sustainable drainage.

5.18 **SCC Sustainability Team**

5.18.1 No objection subject to the imposition of conditions securing energy and water restriction.

5.19 **Southern Water:**

5.19.1 No objection subject to a condition to secure details of the proposed means of foul and surface water sewerage disposal.

5.20 **City of Southampton Society:**

5.20.1 Positive and negative comments provided.

- Quite a useful and sensible proposal;
- More houses and fewer flats would be preferable in this area where the demand is for family homes;
- The density is quite high;
- The lack of even one affordable unit is perhaps surprising;

- Is it desirable to have an access-egress point in Bitterne Road East? Certainly to allow right hand turns so near to a busy junction seems very odd;
- There is a marked lack of amenity space, even to the north east of the site;
- Planting trees is welcome, in view of the loss of 4 oak trees, but the wash pictures could be very misleading. So many trees, and such large trees, would surely banish all sunlight; and
- The en-suite bathrooms are a pleasing feature.

5.20.2 *Officer Response – The provision of 5 no. 3-bed dwellings is broadly compliant with policy CS16 which seeks a target of 30% family housing (29.4% achieved). The development has a density of 38 dwellings per hectares which is appropriate for this area of lower accessibility and accords with policy CS4. Highways Development Management are satisfied with the proposed access design. 10m length rear gardens are provided for the proposed family housing units and in excess of 20sqm of communal amenity space is provided per flat which accords with policy CS16 and Residential Design Guidance. 2:1 tree planting is required to mitigate against the proposed tree removal. Substantial tree retention will result in shading to habitable rooms and gardens areas which is unavoidable without further tree removal.*

6. Planning Consideration Key Issues

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

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

6.2 Principle of Development

6.2.1 Policy CS3 of the Core strategy indicates that proposals that result in the loss of a community facility will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the neighbourhood. The application is supported by a document from GK Management setting out the reasons why this community building is no longer viable.

6.2.2 Cuts in funding to youth services has meant that the building has not operated youth sessions since 2011. The centre no longer receives any funding from the Council and has been unable to secure grants from the National Lottery Fund. The income generated by existing user groups and from private hire is not sufficient to allow for the regular function of the centre which costs approximately £26,000 per year to run.

6.2.3 There are now only two user groups (KK Dance and an OAP group) who regularly use the building. Youth Options are in discussions with the dance club to assist them in finding alternative premises and Bitterne Park Junior school may have potential. The OAP group have also been offered assistance in finding alternative premises but have decided to disband due to declining membership.

- 6.2.4 Due to the lack of funding and limited use, the Youth Centre building is no longer viable and the Council and Youth Options have decided to dispose of the site. Disposal was agreed by the Council under delegated powers on 17 June 2016 and Youth Options have confirmed that any monies received from their surrendering of the lease will be re-invested into community services within Southampton.
- 6.2.5 The loss of Thornhill Youth Centre is not considered to reduce the community's ability to meet its day to day needs having regard to the existing limited usage of the building and the availability of alternative community facilities within the neighbourhood, namely:
- The Hightown Centre (1.5 miles from the site)
 - The Hinkler Centre (0.8 miles from the site)
 - Gordon Hall (1.0 mile from the site)
 - The Bittern Public House (0.2 miles from the site)
 - Thornhill Baptist Church (0.3 miles from the site)
 - Townhill Park Community Centre (2.0 miles from the site)
- 6.2.6 In light of the above, it is considered that the tests of CS3 have been met in relation to loss of this community building and, therefore, the principle of residential redevelopment can be supported.
- 6.2.7 The site is not allocated for housing and the scheme would represent windfall housing delivery on previously developed land, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026. The proposal incorporates 5 x 3 bedroom family homes and thus will help to increase the number of family houses within the local community as required by policy CS16. The provision of family housing is welcomed and policy CS16 requires a minimum of 30% family homes on sites of 10 or more dwellings which is broadly satisfied (29.4% provided).
- 6.2.8 Affordable housing is required because the development proposal seeks 15 or more net dwellings. However the applicants have submitted a viability report which they are entitled to do under the provisions of policy CS15 of the Core Strategy. The submitted viability report has been independently appraised by DVS and the appraisal report, attached as **Appendix 3**, demonstrates and confirms that the current development proposal has viability issues, which negates the full provision of the Affordable Housing obligation, the appraisal does show that a reduced Affordable Housing provision is still viable, albeit to a reduced value of £9,819, which will be sought by way of a financial contribution and the Section 106 Agreement.
- 6.2.9 Policy CS5 of the Council's Core Strategy (2015) indicates that development will only be permitted which is of an appropriate density for its context. The site is located within an area of lower accessibility where net density levels of 35-50 dwellings per hectare will be sought, providing the character and appearance of the area is not compromised. The development achieves 38 dwellings per hectare which accords with policy CS5.
- 6.3 The impact of the design of the building on the character of the area
- 6.3.1 The surrounding area is not homogenous in design terms and includes two-storey housing and larger flatted blocks. The proposal retains the majority of trees and therefore the landscape character of the area will not be adversely harmed.

- 6.3.2 The scale and form of the housing is in keeping with the character and appearance of the area. The proposed three-storey scale of the flatted block will not appear unduly dominant within the Upper Deacon Road street scene. The proposed materials palette incorporating face brickwork is considered acceptable and will not be harmful to the visual amenities of the area. The design and layout is considered to meet Policy CS13 requirements.
- 6.4 The quality of the residential environment produced for prospective residents.
- 6.4.1 The proposed living environment is considered acceptable with all habitable rooms receiving genuine outlook and day lighting. It is acknowledged that the retained trees will lead to shading, however the merits of tree retention are considered to outweigh the impact on the residential environment. The orientation and separation distance between the housing and flats will ensure that no harmful inter-looking will occur.
- 6.4.2 The proposed 2-bed (3 person) flats comply with the nationally prescribed space standards with an area of circa 61sqm. All the flats are dual aspect.
- 6.4.3 The housing plots are provided with 10m length rear gardens and in excess of 20sqm of communal amenity space is provided for the flats which accords with policy CS16 and the Residential Design Guide SPD.
- 6.5 The impact on the amenities of neighbouring and surrounding residents;
- 6.5.1 The proposed development will have no adverse impact on the residential amenities of neighbouring occupiers. The proposed layout, building orientation, separation distances and retention of existing trees will ensure that no harmful shadowing, loss of light, sense of enclosure or loss of light will occur.
- 6.5.2 The proposal achieves in excess of 10m separation between the proposed two-storey housing and the gardens of 268 Upper Deacon Road and 708 Bitterne Road East which accords with Residential Design Guidance. . There are no primary windows in the side of the aforementioned properties A separation distance in excess of 25m is achieved between the proposed flatted block and housing on the adjacent side of Upper Deacon Road
- 6.6 Highways safety, car parking, access and mitigation.
- 6.6.1 The provision of 22 resident car parking spaces plus 2 visitor spaces accords with the Council's maximum car parking standards and no objection has been raised by Highways Development Management. The maximum number of car parking spaces permissible would be 34 spaces, however a balance is needed in the interests of housing delivery and tree safeguarding. Parking controls are in place to ensure that any parking overspill would not have a severe highway safety impact (NPPF test). The application is accompanied by a parking survey to support less than the maximum number of car parking spaces which shows spare on-street parking capacity at peak times in the event of any overspill. Furthermore Highways Development Management are satisfied that adequate driver sightlines are provided to ensure safe access onto Bitterne Road East.
- 6.6.2 Dedicated bin storage is provided to the front of each housing unit and a communal bin storage area is provided for the flats. Bin and bike storage facilities are provided within the rear of each plot. Cycle storage will be required to secure a minimum of one bicycle per dwelling and this detail can be secured by condition.

- 6.6.3 A legal agreement will be used to secure off site works and measures needed to mitigate the impact of the development, in particular site specific transport contributions for highway improvements, to include improved footway surfacing from the site access (fronting Bitterne Road East) to the pedestrian crossing at Upper Deacon Road.
- 6.6.4 Additionally a highway condition survey will be required to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer and financial contribution towards SDMP to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- 6.7 Habitat Regulations
- 6.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see Appendix 2. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.
- 6.8 Affordable Housing and Viability
- 6.8.1 Policy CS15 sets out that ‘the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model).’ The application is accompanied by a viability assessment which sets out that the development would not be viable and able to commence should the usual package of financial contributions and affordable housing be sought. In particular, the assessment sets out that the development would not be able to meet the requirement to provide Affordable Housing on the site. The viability appraisal has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at *Appendix 3*.
- 6.8.2 The DVS report concludes that *‘following our desktop assessment we are of the opinion that the proposed scheme, with no affordable housing but with CIL and S.106 contributions totalling £123,881 and a developer profit of 17.5% on GDV is borderline in terms of being viable. Our appraisal summary at Appendix 1 shows a small surplus of £9,819 which could potentially be provided as an off-site affordable housing contribution. We are in broad agreement with many of the applicant’s submitted figures but the differences are as follows:*
- *Gross Development Value*
 - *CIL/S. 106 Contributions (we are higher than the applicant)*
- 6.8.3 *The largest difference between our figures is with the GDV figures. The best comparable evidence available is considered to be the recently completed Ashton Walk scheme which is very similar to the proposed scheme. However, in arriving at our values we have also had regard to the availability of similar existing properties in the immediate vicinity.’*

6.8.4 The benefits of redeveloping the site in this manner and the need to comply with the policy constraints outweigh the requirement for affordable housing in this case. The Panel may attach greater weight to the need for affordable housing in this part of the City but in doing so – and thereby rejecting this application – the Council would then need to defend an appeal where an independent Inspector is likely to attach significant weight to the DVS report (also independent).

7 Summary

7.1 Overall the scheme is acceptable and the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers or to the character and appearance of the area. The community facility is no longer viable due to the lack of funding and limited number of user groups and there are alternative community facilities available within the surrounding area. Youth Options have decided to surrender their lease and the Council, as freeholder, has agreed to dispose of the site in June 2016. Other material considerations are not judged to have sufficient weight to justify a refusal of the application.

8 Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 13/11/2018 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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

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

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

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

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

03. Residential - Permitted Development Restriction (Performance Condition)

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

Class A (enlargement of a dwelling house), including a garage or extensions,
Class B (roof alteration),
Class C (other alteration to the roof),
Class D (porch),
Class E (curtilage structures), including a garage, shed, greenhouse, etc., or
Class G (chimneys, flues etc)

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

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

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

- i. 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 and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

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

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

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

05. Tree Retention and Safeguarding (Performance Condition)

The development shall be carried out in accordance with the tree retention and safeguarding measures as set out within the Arboricultural Impact Assessment by Sapling Arboricultural Ltd Dated July 2018.

Reason: To ensure that trees to be retained will be adequately protected from damage.

06. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

07. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

08. Ecological Mitigation Statement (Pre-Commencement)

The development shall be carried out in accordance with the programme of habitat and species mitigation and enhancement measures as set out in the submitted Phase 1 Ecological Survey Dated June 2017 and Bat Survey Dated June 2018 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.

09. Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

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

10. Road Construction (Pre-Commencement)

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:-

1. A specification of the type of construction proposed for the roads, cycleways and footpaths including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management process which will maintain these areas in the future, and a bond will be required to support this process.

Reason:

To ensure that the roads and footpaths are constructed in accordance with standards required by the Highway Authority.

11. Sightlines specification (Performance)

Sight lines of 2.4m x 70m as shown on Drawing No. ITB13232-GA-0 Rev C shall be provided before the use of any building hereby approved commences, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays.

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

12. Energy & Water (Pre-Commencement)

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

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

13. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

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

14. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

15. Energy & Water (performance condition)

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

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

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

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

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

Reason

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

17. Demolition Statement (Pre-Commencement)

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

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

18. Construction Management Plan (Pre-Commencement)

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

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

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

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

19. Noise & Vibration (Performance)

The development shall be carried out in accordance with the noise mitigation measures as set out within the as set out within the Noise Impact Assessment by REC dated 25.01.18. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

20. 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.

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

22. 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 further 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.

23. Approval Condition- Validation of Land remediation [Pre- Occupation Condition]

On completion of the agreed remediation actions detailed in the Remediation Strategy (ref: 1CO104088/P3/R0) in 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.

Reason:

To ensure all land contamination risks associated with the site are remediated to an appropriate standard.

24. Use of uncontaminated soils and fill (Performance)

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

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

25. Unsuspected Contamination (Performance)

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

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

26. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

27. Amenity Space Access (Performance)

Before the flats/houese hereby approved first comes into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

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

28. 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.

18/00823/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

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

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE9	Protection / Improvement of Character
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Application 18/00823/FUL

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

<p>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?</p>	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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<p>Stage 2 - HRA screening assessment</p>	
<p>Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.</p>	
<p>Solent SPAs</p> <p>The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.</p> <p>Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.</p> <p>The New Forest</p> <p>The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.</p> <p>The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).</p>	

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£337.00
2 Bedroom	£487.00
3 Bedroom	£637.00
4 Bedroom	£749.00
5 Bedroom	£880.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

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Private and Confidential

Simon Mackie
Planning Agreements Officer
Planning & Sustainability
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Southampton Valuation Office
2nd Floor, Overline House,
Blechynnden Terrace,
Southampton
Hants. SO15 1GW

Our Reference: [REDACTED]
Your Reference: 18/00823/FUL

[REDACTED]

Date : 21st September 2018

Dear Simon,

**DESKTOP REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT
PROPOSED SCHEME: Thornhill Youth Centre, Bitterne Road, Southampton. SO18
5QY**

I refer to our fee quote dated 9th April 2018 and your email dated 4th July 2018 confirming your formal instructions to carry out a desk top viability assessment in respect of the above proposed development. We have now undertaken our own research and assessment and would report as follows:

This report is not a formal valuation.

The date of assessment is 21st September 2018.

We have reviewed the assessment provided by Tangent Surveyors Ltd on behalf of the applicant GK Management Ltd.

The assessment has been made by comparing the residual value of the proposed scheme with an appropriate benchmark figure having regard to the National Planning Policy Framework and the published RICS Guidance Note into Financial Viability in Planning.

The principal objective of our Brief and the subject of this report are to establish whether there is financial justification for any affordable housing and section 106 contributions.

General Information

It is confirmed that the viability assessment has been carried out by [REDACTED], a RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation. Our graduate surveyor [REDACTED] has also assisted with this assessment.

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest. DVS has had no other previous material involvement with the property.

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006.

Our assessment is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our assessment may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report. If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Following the referendum held on 23 June 2016 concerning the UK’s membership of the EU, the impact to date on the many factors that historically have acted as drivers of the property investment and letting markets has generally been muted in most sectors and localities. The outlook nevertheless remains cautious for market activity over the coming months as work proceeds on negotiating detailed arrangements for EU exit and sudden fluctuations in value remaining possible. We would therefore recommend that any valuation is kept under regular review.

Background:

We understand that this assessment is required to examine the viability of the proposed scheme as the applicant is suggesting that the development cannot support the required level of affordable housing and Section 106 contributions.

The proposed scheme will provide 17 residential dwellings (5 x 3 bed houses and a block of 12 flats), following the demolition of the existing youth centre building on the site.

We are advised that the policy level of contributions are as follows:

Planning Obligations (Direct Cost)	Detail
Affordable Housing	35%
Highways/Transport	£26,000 (approx.)
Solent Disturbance Mitigation Project	£9,029
Carbon Management	£TBC
CIL	£88,852

The applicant is stating that following their assessment the policy level of affordable housing provision and Section 106 Contributions results in an unviable scheme.

The Scheme:

We have been provided with the assessment undertaken on behalf of the applicant. For the purpose of this desk top assessment we assume the areas provided in the applicant’s viability report are correct.

The scheme as proposed by the applicant is as follows:

Block	Type	Number	Average Floor Area (GIA M²)
Residential:			
2.5 Storey Block	2 Bed Flat	12	58.0
Terrace Houses	3 Bed	3	82.0
End Terrace Houses	3 Bed	2	82.0
Total		17	1,106.0

Viability Assessment:

This report deals with each major input into the viability assessment of the scheme. This desk top assessment has been undertaken following our own research into both current sales values and current costs. We have used figures put forward by the applicant if we believe them to be reasonable.

We have used a copy of the HCA EAT toolkit with cash flow to assess the scheme which is attached as Appendix 1.

We would summarise our assessment of the Scheme as follows:

1) Development Value -

a) Private Residential:

The applicant has adopted the following values compared to ours:

Type	Developer (Average Value per unit)	DVS (Average Value per unit)
2 bed apartment	£165,000	£180,000
3 bed terrace house	£245,000	£275,000
3 bed end terrace house	£250,000	£280,000

The applicant has referred to a development in Mansfield Park Street in the centre of the Harefield area where similar sized 2 bedroom flats are achieving £165,000. No other comparable sales evidence has been provided to substantiate the remaining submitted figures.

Whilst Mansfield Park Street is close to the subject site, Harefield is considered to be a slightly lower quality area that where the subject site sits. The subject site also benefits from being more private and well screened from the main access road.

We have undertaken research using land registry details and sales from local estate agents and consider the figures put forward to be broadly reflective of similar existing properties and re-sale values in the immediate vicinity, but it is typical that new-build homes can command a premium over existing properties.

There is very limited recent nearby sales evidence available for new-build houses but there is the new Radian Homes development in Porchester Road, Woolston known as 'Ashton Walk'. These have all recently been

sold or reserved but no actual sales prices are available at the date of this report.

3 bedroom terrace houses with 2 X parking spaces and floor areas of 85.8m² were recently marketed for £290,000 per unit. The 2 bedroom flats here were marketed for £190,000 each. The units here are of similar size to the proposed units, and the quality and value of location is also very similar to the subject site.

It should also be noted that similar existing 3 bedroom houses currently on the market and within close proximity to the subject site have asking prices of between approximately £220,000 and £275,000. Most of these require varying levels of updating and refurbishment, but they are generally all larger properties with larger plots and gardens, and some with garages.

Taking account of all of the available evidence, and factoring in a new-build premium, we consider the submitted values to be approximately 7% too low for the flats and 12% too low for the houses and we have instead adopted the figures as set out in the table above.

b) Affordable Housing:

There are no Affordable Residential properties proposed by the applicant.

c) Ground Rents:

The applicant has included ground rents of £150 per unit per annum for the 2 bedroom flats and capitalised this using a yield of 6% to produce a total freehold value of £29,988.

However, we consider that 2 bedroom units in this location could typically achieve £250 per unit per annum and we have capitalised this using a 5% yield which is in line with other more recent schemes we have assessed in this location.

It should be noted that the Government are currently proposing legislation to limit ground rental income. If this were to happen then it may cause us to revise our revenue figures to potentially reflect the ground rent income in the capital values.

d) Gross Development Value (GDV):

Our total GDV on an all-private basis is therefore £3,604,995 compared with the applicants total submitted GDV of £3,245,000.

2) Development Costs -

a) Build Cost

Residential:

The applicant has not provided a detailed breakdown of costs or cost estimate for the proposed scheme but has instead relied on the BCIS guide figures. They have sited the Median rate figures for this proposed scheme and on this basis have adopted the following base build costs:

Houses - £1,239 per m²
Flats - £1,441 per m²

In addition, the applicant has provided an itemised breakdown of abnormal and external works costs totalling £230,370 bringing the total construction costs to £1,826,315.

The submitted base build rates are broadly in line with current BCIS Median rates and are deemed acceptable for this scheme. We have therefore adopted the same rates in our appraisal. The total gross floor area for the flatted block indicates a net – gross ratio of 92% which again is within the range we would expect to see for a block of low rise new-build flats.

The submitted costs of £230,370 include £52,370 of abnormal costs, but if these are deducted from the £230,370, this leaves a total of £178,000 for all external works costs. The most significant of these costs are for hard surfaced car parking and access road (£72,000), and utility connections (£48,000 based on £3,000 per property).

£178,000 equates to approximately 11% of the base build costs which, taking account of the overall size of the site, and the proposed site layout and number of parking spaces to be provided, we consider to be reasonable for this scheme and in line with similar schemes we have assessed.

b) Build Contingency

The applicant has included a contingency of 5% which we do not disagree with.

c) Professional Fees

The applicant has included professional fees of 8% of base build costs which is within an acceptable range based on other similar schemes we have assessed.

d) Abnormal and other costs

The applicant has provided us with Geo-Environmental Assessment and Investigation reports plus a Remediation Strategy report (all from early 2018), and on the basis of this, and through discussions with the Construction Director at Foreman Homes, the total estimated abnormal costs are £185,000. A summary of the findings and required works as provided by the applicant is as follows:

Trees to boundaries.

Topsoil to 0.50m if any.

Water table very high between 0.6m - 1.5m

Site is contaminated with lead, petrol and CO2.

Site is not suitable for soakaways.

Enquiries made for vibro stone columns to allow strip foundations at ground level, otherwise de-watering or piling will be required.

A cover system of 600mm deep will be required due to contamination and contaminated soil will need to be removed from site.

This will apply to all garden and communal areas, not hard landscaped or roads, parking and footways.

Will need WAC tests to determine level of contamination over site.

Based on the extent of works required as evidenced by the submitted report we have accepted these costs and included them within our appraisal for the purpose of viability testing. Overall the estimated costs are considered reasonable for this size of site.

e) Overall Build Costs

Overall, for the purpose of viability testing we have adopted construction costs in line with those submitted by the applicant.

f) Section 106 Costs

Within their appraisal, the applicant has included £70,110 for CIL contributions plus £10,000 for Section 106 contributions totalling £80,110.

However, we are advised by you that the policy level of contributions are as follows:

Planning Obligations (Direct Cost)	Detail
Affordable Housing	35%
Highways/Transport	£26,000 (approx.)
Solent Disturbance Mitigation Project	£9,029
Carbon Management	£TBC
CIL	£88,852

For the purpose of our assessment, we have included the known costs above which total £123,881 **but if this differs once the full costs are known then it will affect our assessment.**

g) Sales and Marketing Fees

The applicant has adopted 2% for sales and marketing plus £750 per unit for legal fees. This is deemed acceptable and in line with other similar schemes we have assessed.

h) Finance costs

The applicant has adopted a finance rate of 5% plus fees of £25,733 which equates to approximately 6.6% and is within the range we would expect to see. We have therefore adopted the same within our appraisal.

i) Developers Profit

In the current market a range of 15% to 20% of GDV for private residential, 6% of GDV for affordable is considered reasonable. The applicant has used a profit level of 17.5% of gross development value for the scheme which we consider to be acceptable and have adopted the same level within our appraisal.

j) Development Programme

The applicant has not included a detailed development programme within their written report but have based their appraisal on the following programme:

- Construction Period of 12 months (following a 1 month lead in period)

- Sale period of 4 months beginning directly after the construction period of 12 months

This development programme is considered to be reasonable, if slightly optimistic, but for the purpose of viability testing we have adopted the same time frame within our appraisal.

k) Land Value

Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the existing use value, or alternative use value of the site.

For the purpose of their appraisal, the applicant has based the benchmark land value on the existing building plus a 20% uplift for seller incentive as follows:

Existing use value = £353,000
Plus 20% seller incentive:
Total = £423,708

The building is structurally sound and constructed to a fair basic standard and metal roof. It appears to be vacant but still in good order internally and could be occupied as an ongoing D1 building with relatively minor modification.

The applicant has provided details of a D1 use property in Cosham Portsmouth that is currently being marketed, but we have found a sale of a similar D1 use property in Princess Street Southampton which indicates a lower existing use value.

However, the subject site extends to approximately 1 acre, is secluded and sits within a prominent residential area close to local shops and amenities and we therefore consider the alternative use value for residential redevelopment to be higher than the existing use value plus incentive.

£423,708 represents approximately 12% of our revised GDV which is within the range we have seen paid in the market for other similar sites without planning consent in place (but with a relatively strong chance of achieving consent for a scheme of similar density to surrounding locality).

Therefore we have included a benchmark land value of £423,708 in line with the applicant for the purposes of viability testing.

In addition both stamp duty and agent/legal fees need to be allowed.

Overall assessment:

Following our desktop assessment we are of the opinion that the proposed scheme, with no affordable housing but with CIL and S.106 contributions totalling £123,881 and a developer profit of 17.5% on GDV is borderline in terms of being viable. Our appraisal summary at Appendix 1 shows a small surplus of **£9,819** which could potentially be provided as an off-site affordable housing contribution.

We are in broad agreement with many of the applicant's submitted figures but the differences are as follows:

- Gross Development Value
- CIL/S. 106 Contributions (we are higher than the applicant)

The largest difference between our figures is with the GDV figures. The best comparable evidence available is considered to be the recently completed Ashton Walk scheme which is very similar to the proposed scheme. However, in arriving at our values we have also had regard to the availability of similar existing properties in the immediate vicinity.

At this stage we have accepted the abnormal works costs as estimated by the applicant but should further evidence come to light which changes this estimate then we would need to consider this further and it may affect our assessment.

Due to the sensitivity of the valuation appraisal, a slight reduction or increase in these figures will have a large influence on the surplus available for affordable housing.

On the basis that the Council is prepared to consider granting consent with a reduced level of affordable housing and since we are assessing this scheme in the current market, we would recommend that if the scheme is not delivered within an agreed timescale that an automatic viability review be triggered.

I trust this report deals with the issues as required but please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

Yours sincerely

[Redacted signature]

[Redacted name]

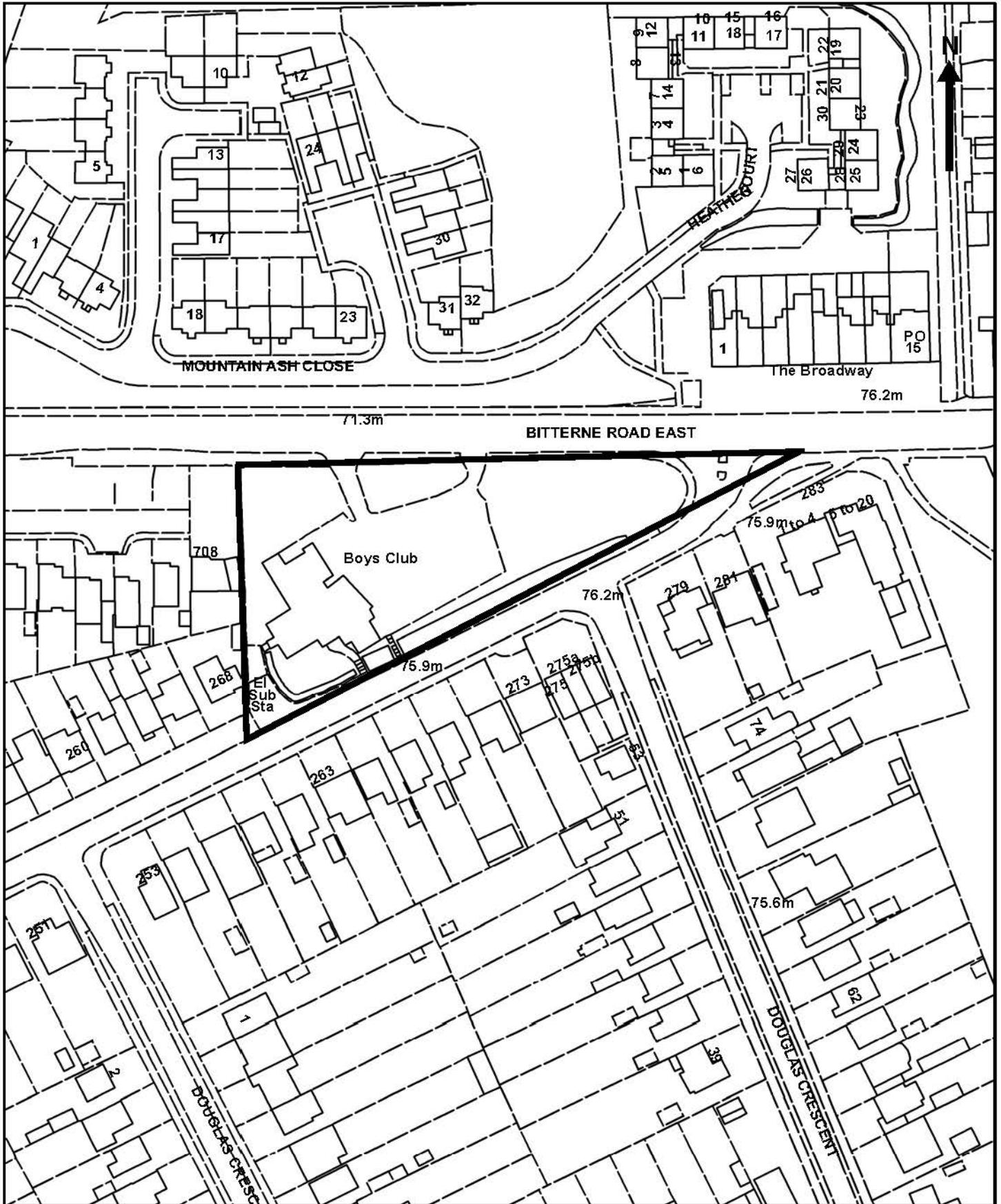
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[Redacted contact information]

Appendix 1 - All Private Appraisal

Agenda Item 5 18/00823/FUL

Appendix 4



Scale: 1:1,250

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Agenda Item 6

Planning and Rights of Way Panel 13 November 2018 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 119-122 High Street & 55-59 Castle Way, Southampton			
Proposed development: Demolition of existing buildings and re-development of the site with a 5 - 6 storey building to accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities, management office and cycle store; 4 separate retail units; vehicular, pedestrian and cycle access; access for adjoining properties, and landscaping.			
Application number:	17/01683/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	30/11/2018	Ward:	Bargate
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Referred to Panel by:	N/A.	Reason:	N/A.
Applicant: Lainston Lupa LLP		Agent: Goadsby Planning & Environment	

Recommendation Summary	Delegate to Service Lead - Infrastructure, Planning & Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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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 impact on nearby listed buildings and conservations areas, neighbouring residential amenity and the quality of the residential environment proposed 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 39 - 42 and 46 of the National Planning Policy Framework (2018).

Policies – CS4, CS5, CS13, CS14, CS15, CS16, CS19, CS20, CS22, CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, HE1, HE3, HE6, CLT14, CLT15, H2, H7, H13 REI4 and REI7 of the City of Southampton

Local Plan Review (Amended 2015). Policies AP5, AP8, AP9, AP16 and AP17 of the City Centre Action Plan March 2015.

Appendix attached	
1	Development Plan Policies
2	Relevant Planning History
3	Habitat Regulation Assessment (HRA)

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 3** of this report.
2. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the development.
 - iii. 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.
 - iv. 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 (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vi. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No student, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
 - vii. The submission and implementation of a Construction Management Plan which includes the routing of construction traffic and timing of deliveries to avoid peak hours.
 - viii. Submission and implementation of a Waste Management Plan.
 - ix. Submission and implementation of a Travel Plan.
 - x. Submission and implementation of a Public Route Management Plan.

- xi. Submission, details and implementation of a turning area.
 - xii. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010;
 - xiii. Submission, approval and implementation of a 'Student Intake Management Plan' to regulate arrangements at the beginning and end of the academic year;
 - xiv. Submission, approval and implementation of a CCTV network that can be linked into and/or accessed by the Council and its partners (if required); and
 - xv. Submission, details and implementation of a scheme of public art.
3. That the Service Lead – Infrastructure, Planning & Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
 4. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement. In the event that the scheme's viability is tested prior to planning permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be brought back to the Planning and Rights of Way Panel for further consideration of the planning application.

1 The site and its context

- 1.1 The site is located within the city centre and it is on the boundary of the Old Town West and Old Town North Conservation areas thereby forming their setting. The surrounding area has a mix of commercial units fronting High Street and residential units above and within the wider local area. Immediately to the east of the site, on the opposite side of High Street, is the Fruit and Vegetable Market which has relatively recently gained planning permission for re-development of the site for a predominantly residential scheme. The development is near completion.
- 1.2 The site itself fronts both High Street and Castle Way. The site occupies 30m of High Street frontage and thus a replacement building has the potential to become very prominent in the street scene within the southern part of the City Centre. The site is directly adjacent to 123 - 124 High Street which is Grade II listed. In addition there are other listed buildings close to the site including the Grade II* Red Lion Public House (55 High Street), 56 High Street (Grade II listed), 57 - 58 High Street (Grade II listed), 125 High Street (Grade II listed), 126 High Street (Grade II listed), 129 High Street (Grade II* listed), Holy Rood Church (Grade II* listed), St. Michaels Church (Grade I listed) and 58 French Street (Grade I listed). Nearby to the site there are also a number of contemporary buildings which are occupied by commercial uses at ground floor fronting High Street with residential units above. Residential led contemporary development is also found on Briton Street which is nearby to the south.

- 1.3 The site contains 119 High Street which is a three storey building and 122 High Street which is a part 3 and part 4 storey building, both of which are terraced buildings with commercial uses. Servicing of the two buildings takes place from Castle Way. In addition the site also contains 55 - 59 Castle Way which is a two storey detached building.
- 1.4 There is a change in levels across the site whereby the High Street ground floor frontage is an additional storey lower than the Castle Way ground floor frontage.

2 Proposal

- 2.1 The proposal is to demolish the existing buildings and construct two separate buildings. The main building would range from 5 - 6 storeys and would accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities; three separate commercial units are also proposed at ground floor level facing the High Street. The second building would be 4 storeys and would accommodate the management office at ground floor and three levels of accommodation above.
- 2.2 The shape of the building is distinguished by three separate elements, one fronting onto the High Street and attaching to the southern neighbour, one fronting Castle Way and a link at right angles to those elements, in-between. The middle element of the building and the one fronting Castle Way will include (student) residential accommodation at ground floor level, this would link to the first floor of the building element fronting High Street. The High Street elevation would be composed of 5 storeys, the middle link section of building would be 5 storeys and the rear section fronting onto Castle Way would be 4 storeys.
- 2.3 To reinforce the local distinctiveness of the Old Town the existing width and alignment of Castle Way will be amended in line with wider aspirations to reinstate historic street pattern. This would reflect the width of Castle Way to the South which has been narrowed as a consequence of the adjacent development granted in 2005.
- 2.4 There is proposed to be a pedestrian route through the site leading from High Street to Castle Way. The route would re-establish a historic route, the former '*Market Lane*' which is a requirement of the Old Town Development Strategy. It is proposed that the route closed to non-residents at night for security purposes, residents access will be achieved via pedestrian gates set within the vehicular gates and will be keypad accessed.
- 2.5 Access to the residential part of the development would be achieved from the newly proposed Market Lane and there would also be a second access on the southern side of the building as accessed from Castle Way.
- 2.6 At ground floor level (when viewed from High Street) a student lounge/café area is proposed within the middle section of the building. To the north and south of the café/lounge there would be outside space for occupiers to use. On the opposite side of the pedestrian link through the site to the lounge/café would be the management office and access to basement cycle storage. Access to the bike storage is achieved via a lift for convenience. Within the basement there is also a gym, a communal recreation area, plant room and toilets.
- 2.7 The upper floors of the building would accommodate a total of 188 student bedrooms in the form of 18 cluster flats whereby each cluster of flats would have access to communal lounges. 9 completely independent flats (not sharing any of the communal lounges) are also proposed. Within each bedroom space would be facilities for cooking as well as WC and shower.

- 2.8 Four car parking spaces, accessed off Castle Way, are proposed to serve the development. The spaces will be used for the dropping off and picking up at the end of academic periods along with providing parking for the staff within the management offices. The spaces can also be used for the servicing of the café and for staff associated with the café and three commercial units fronting High Street.
- 2.9 As a consequence of the development a street Lime tree (semi-mature) will need to be felled. This tree has already outgrown its tree-pit and is creating lift in the pavement. The Tree Team object to the loss of this tree.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at *Appendix 1*.
- 3.2 The site is not identified for development within the adopted Development Plan but does lie within the defined city centre and within an area of High Accessibility to public transport. The City Centre Action Plan identifies the area in which the site is located as being the ‘Old Town’ quarter.
- 3.3 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.4 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.5 The Old Town Development Strategy was published by Southampton City Council in April 2004 as a supplementary planning document to support development plan policies. It should be afforded weight in the Panel’s decision.

4 Relevant Planning History

- 4.1 There have been no recent planning applications relating to this site – *Appendix 2* provides further details.

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 **03/11/2017** and erecting a site notice **03/11/2017**. At the time of writing the report **10 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***Late night noise and anti-social behaviour.***

Response:

Students developments are well sited in the City Centre, where the necessary infrastructure is in place. Environmental Health have been notified of this application and have not objected. There is no evidence to suggest that this residential scheme will exhibit unusually harmful noise levels, and if it did there

are other enforcement powers that can be called upon to deal with this unreasonable behaviour. There is proposed to be onsite management associated with the development which will cover the management of the development, this can be controlled by planning condition.

5.3 ***Localised increased traffic congestion in particular at the start and end of the university year; and as a result of commercial vehicles serving the commercial units reducing highways safety.***

Response:

The location of the site, within the city centre, means it has excellent links to public transport, shops, services, convenient local parking and the educational institutions that the development would serve. As such, the proposal does not incorporate any on-site car parking and is, therefore, not expected to have a significant impact on transport generation.

5.4 ***Contrary to the area's importance for tourism.***

Response:

In policy terms there are no objections to the principle of the development. The design is considered acceptable; design is discussed in more detail in section 6, below. Creating active city centre development supports the role and vibrancy of the city centre and also encourages tourism.

5.5 ***Student accommodation is out of character with the Old Town.***

Response:

The design of the building is acceptable, as will be discussed in section 6 below. Occupation by students in itself and the impact on local character is not a justifiable reason to oppose the development. For reference the recent Bargate Centre redevelopment proposals (within the old town) was approved with 451 student bedrooms.

5.6 ***Loss of Tree.***

Response: Whilst the Council Trees' Team object to the loss of the Lime Tree the purpose of changing the building line on the High Street Frontage results in street pattern being returned more closely to the historic layout of buildings along this section of the High Street. It is noted that the Council's Urban Design Manger and Heritage Consultant have not opposed the loss of the tree and support the amended street frontage. 4 trees are proposed on-site.

5.7 ***Family homes are needed to improve the mix and character of the area not short term accommodation for students.***

Response:

The application site is not allocated for general purpose residential accommodation in the adopted Development Plan, and the Council has identified a supply of sites to meet its housing need, which does not include the application site. The application needs to be assessed in terms of whether the principle of the proposed use is acceptable and not whether an alternative use may be preferable. Student schemes do not trigger the requirements for family housing set out in the LDF Policy CS16.

5.8 ***Overdevelopment/too tall – impacting on the character of the conservation area.***

Response: Officers have negotiated a scheme which they are able to support in design terms. Relevant advice has been received when assessing plans and amendments have been negotiated to improve the quality of the design. This issue is discussed in more detail in section 6, below.

5.9 ***Additional commercial units will generate congestion and pollution generating vehicles.***

Response: The site within a secondary retail frontage area where it is appropriate to locate commercial units. The Council has a clear air quality strategy which does not seek to restrict commercial units in the city centre.

5.10 ***Site should be developed for community use.***

Response: Each application must be judged on its own merits and there is no policy requirement for the site to be used for community purposes.

5.11 ***Waste Management Plan does not solve problem of wheelie bins on Bugle Street.***

Response: There is sufficient space to store bins within the building preventing the need for on street storage. A waste management plan will be included within the legal agreement. Planning conditions can also be added.

5.12 **Historic England** – No objection to the redevelopment of the site, satisfied that detailed design improvements can be negotiated by SCC's specialist conservation and design staff.

5.13 **SCC Heritage** – Following the amendments made to the design; no objection subject to conditions.

5.14 **SCC Urban Design Manager** – Following the amendments made to the design; no objection subject to conditions.

5.15 **SCC Planning Policy** - The submitted housing needs assessment has been reviewed and as a consequence no objection is raised on this basis.

5.16 **SCC Highways** - The revised Transport Statement has now addressed the main concern regarding the loss of the parking bays. These bays will now be relocated a short distance just north of the site whereby the scheme to provide these bays will involve highway works which will aid in traffic calming this section whilst maintaining traffic flow even for the buses. Road construction/surface finishes will be managed via the Section 106/Section 278 process. No objection subject to relevant conditions and planning agreement obligations.

5.17 **SCC Environmental Health (Pollution & Safety)** – No comment received.

5.18 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions.

5.19 **SCC Employ** - An Employment and Skills Plan Obligation will be required via the Section 106 Agreement.

5.20 **SCC Ecology** – No objection subject to recommended conditions.

5.21 **SCC Trees** – Objection

The tree proposed to be removed is a semi mature Lime, in good health but very close to the building, roots have started to disrupt the pavement around the base, is situated in an older style tree pit with inadequate space for future growth without giving future pressure to the maintenance of the pavement. The visual amenity value is very high, this is a prominent tree with no neighbouring trees and very few along the Road in both directions.

- 5.21.1 The proposal indicates planting four trees within the inner section of the new build which, though welcome, does not replace the public amenity that would be lost following the removal of the Lime. The four replants are small and short lived species compared with the size and potential longevity of the Lime.
- 5.21.2 It would be very welcome to see some replacement amenity planting which potentially could be achieved by creating new purpose built tree pits, either; on the High Street by closing one or two parking spaces and utilising the space for a 'built-out' tree pit or similarly new pits on Castle way. I am aware that both of these options would likely have to be agreed as part of a 106 agreement and the closure of parking spaces may be too much of a constraint, however this would be neat solution to the loss of amenity by providing new purpose built pits where larger species trees could thrive on a long term basis.

5.21.3 **RESPONSE:**

Replacing the historic building line on the High Street frontage is a higher priority than the retention of the Lime tree. On site tree planting is deemed to be acceptable to the Case Officer however should Panel choose off site tree planting can be required through the Section 106 legal agreement.

5.22 **SCC Flood** – No objection subject to recommended conditions.

5.23 **SCC CIL** - The development is CIL liable as there is a net gain of residential units. The charge will be levied at £70 per sq. m (to be indexed) on the Gross Internal Area of the new development. If any existing floorspace is to be used as deductible floorspace the applicant will need to demonstrate that lawful use of the building has occurred for a continuous period of at least 6 months within the period of 3 years ending on the day that planning permission first permits the chargeable development.

5.24 **SCC Sustainability** – No objection, apply recommended conditions.

5.25 **SCC Archaeology** - The site is in a Local Area of Archaeological Potential, as defined in the Southampton Local Plan and Core Strategy -- LAAP 8 (City Centre and Itchen Ferry). The site is located in the heart of the Late-Saxon and Medieval town. Accordingly a phased programme of archaeological investigations will be required.

5.26 **Southern Water** – No objection subject to recommended conditions.

5.27 **Natural England** – No objection is raised subject to suggested mitigation measures and financial obligations being secured.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character of conservation areas and listed buildings;
 - Quality of residential environment;
 - Neighbouring residential amenity;
 - Parking, highways and transport and;
 - Mitigation of direct local impacts.

Principle of Development

- 6.2 Policy CS16 of the Core Strategy confirms that ‘in response to concern about the concentration of student accommodation within parts of the city, the Council will work in partnership with universities and developers to assist in the provision of suitable, affordable accommodation for students to relieve the pressure on housing markets’. This policy confirms the Council’s dual approach of delivering purpose built student accommodation whilst simultaneously managing the conversion of existing family housing to HMOs to relieve the pressure on local markets. Since the application proposes purpose-built accommodation for students, it would be consistent with this approach. In addition to this, ‘saved’ Local Plan Policy H13 supports the delivery of student accommodation in locations accessible to the Universities and where there is an identified need. The location of the site, in the city centre, with excellent public transport links to Southampton University and, approximately 0.6 miles walking distance to the Solent University, is appropriate for a significant level of student accommodation.
- 6.3 The application is accompanied by a detailed student Housing Needs Assessment. This sets out that, when taking into account existing purpose built accommodation, development within the pipeline and, the number of students within the city, there is a shortfall of 13,507 student bedspaces in the city. The applicant’s assessment seems to imply that all students should be housed in purpose built accommodation, which clearly isn’t the case. The residual students either live in their own/parental home or rely on private sector landlord markets in HMOs. However, the proposal would meet a demonstrable need for further student accommodation and would make efficient use of this previously developed site to meet the need. The principle of development is, therefore, acceptable.
- 6.4 It is agreed that the site has the potential for more floor space than the existing building and residential accommodation on the upper floors would assist the Council in meeting its housing need. With a site area of 2440 and with 188 separate dwellings the proposed density is 770 dph which complies with Policy CS5 of the Core Strategy and the Old Town Development Strategy, which sets a minimum density of 100 dwellings per hectare for new housing developments in the City Centre.

Design and effect on character of conservation areas and listed buildings

- 6.5 This is an important city centre site redeveloped in the Post War period within the setting of several listed buildings. The current buildings on the site are of little historic or architectural significance and redevelopment therefore offers an opportunity to enhance the special character of the conservation area and the setting of adjacent designated heritage assets through the design of the replacement buildings.
- 6.6 The proposed design approach has evolved following thorough pre-application discussions and an assessment of the building’s relationship with nearby heritage assets, which include the adjacent 123 - 124 High Street which is Grade II listed, the Grade II* Red Lion Public House (55 High Street), 56 High Street (Grade II listed), 57 - 58 High Street (Grade II listed), 125 High Street (Grade II listed), 126 High Street (Grade II listed), 129 High Street (Grade II* listed), Holy Rood Church (Grade II* listed), St. Michaels Church (Grade I listed) and 58 French Street (Grade I listed). In addition to this, the applicant has engaged with Southampton Planning Department, Urban Design Manager and

Heritage Consultant whilst evolving the design of the proposal throughout the life span of this application and the chosen design has been revised accordingly.

- 6.7 The scale of the building has been carefully considered in terms of its impact on the setting of the adjacent listed buildings and other buildings within the two conservation areas near to the site. The CCAP states:
- 6.8 *'High quality design which respects the best of the historic built environment and compliments the existing palette of materials is fundamental to accommodating growth in ways that improve the city centre and maximise Southampton's assets.'*
- 6.9 *A high standard of locally distinctive design will help shape the city as a unique and memorable place which attracts people in to do business, live and visit. It ensures that individual developments contribute to an attractive and distinctive centre and reflect the city's character and rich heritage.'* (Paragraph 4.155)
- 6.10 Policy AP16 (Design) states that *'design should meet the design principles set out for the quarters and key sites'*. The most relevant design principles set out within the design guidance for the Old Town Quarter states:
- 6.11 *"...Particular effort should be made in regard to scale and massing of development and new development must respond sympathetically to the strong historic character of the Old Town taking opportunities to reinstate the Medieval street pattern rhythm of development fronting the High Street and other streets where appropriate.."*
- 6.12 Policy AP16 of the CCAP goes on to say that design must: *relate well to the predominant scale and mass of existing buildings in the street...strengthen the unique distinctiveness of the city's heritage...*
- 6.13 Policy AP17 Tall Buildings, from the CCAP is also very relevant given that the proposal would result in a building of five storeys in height. Policy AP17 defines tall buildings as buildings with five or more storeys. *Tall buildings are restricted in the old town in order to respect the historic low rise development and its skyline profile.*
- 6.14 Paragraph 4.167: *Buildings in the Old Town should respect the heights of neighbouring historic buildings and generally be less than five storeys in height in accordance with the Old Town Development Strategy (2004).*
- 6.15 Paragraph 4.169: *All tall buildings should set exemplary standards in design... They must be designed with an appreciation and understanding of their context...*
- 6.16 Paragraph 4.170: *Care must be taken with their impact on the setting of historic buildings and structures, conservation areas and the waterfront.*
- 6.17 Officers consider that the proposed building is justified against the policies and paragraphs listed above. The building is not judged to appear unduly dominant when viewed from High Street or Castle Way and when judged against the surrounding context the setting of nearby heritage assets would not be significantly harmed. The height bulk and mass of the development along with its appearance is judged to sit comfortably within its context this has been achieved by respecting neighbouring building heights on High Street and Castle Way, including a vertical emphasis on the High Street and Castle Way frontages and by returning front building lines closer to their previous positions.

6.18 Currently the width and alignment of Castle Way adjacent to the rear of the site reflects the 1960's standards of road building which is alien to the traditional street pattern of the Old Town. The principle of this form of development, involving building across the road in Castle Way, is therefore considered acceptable to return the street pattern to a more traditional form and thus achieve compliance with the CCAP. By achieving this the development will also be continuing the road realignment works initiated by the French Quarter development located directly to the South under permission 04/00866/FUL granted in 2005.

6.19 On the High Street frontage the building line will also shift. The purpose is also to shift the building line to a position which is closer to the traditional frontage building line found within the Old Town in order to comply with the CCAP.

6.20 The statutory tests for the proposal, as set out in sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, are whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest and whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

6.21 In accordance with para 189 of the NPPF, an assessment of the significance of the building within/edge of the Conservation Area has been undertaken. On this basis, in accordance with sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposal would preserve the character of the building and the appearance of the Conservation Area whilst contributing to its setting.

Quality of residential environment

6.22 The application is surrounded by a mix of commercial and residential uses. The accommodation proposed would be served by windows facing the public realm as well as windows within the development facing onto the internal courtyard; and the windows serving neighbouring buildings to the north and south. The application has been designed to elevate habitable accommodation above street level and the windows on the Castle Way elevation have defensible space in front of them to improve the privacy enjoyed by occupants of ground floor rooms.

6.23 Whilst some west-facing units would have constrained outlook, it is important to note that residents would have access to good-quality communal spaces within the development, meaning that overall the quality of accommodation would be acceptable. In addition to this, the location of the site offers other benefits to residents in terms of its excellent access to shops, facilities, central parks and the educational institutions. The development does provide a communal garden, café, gym and recreation area. Mayflower Park is also within easy walking distance to the south. As such, overall it is considered that a high-quality residential environment would be achieved.

Neighbouring residential amenity

- 6.24 The scheme has been designed to include views onto public elevations of adjacent properties on Castle Way (12m separation distance) and High Street (17m separation). Views across highways where habitable rooms face one another is common place in the city and is acceptable in privacy terms.
- 6.25 Windows within the development will also face north and south, separation distances to neighbouring habitable room windows to the north would be approximately 28m and to the south 29m. These distances are considered acceptable for this city centre location where high density development is most suited. Officers are satisfied that the privacy enjoyed by neighbours will be acceptable. The building has been designed with a slim middle section to maximise the distance between habitable room windows of the proposed block and those of neighbouring buildings.
- 6.26 The scale of the building is such that neighbours will continue to enjoy sufficient day light without significantly harmful overshadowing occurring by the proposed development.
- 6.27 Owing to the position of the building on the plot and the footprint proposed, including the narrow mid-section, outlook from neighbouring habitable rooms will also not be significantly harmed as a consequence of the development. The application is considered to be compliant with LPR Policy SDP1(i).

Parking, highways and transport

- 6.28 Saved policy SDP5 of the Local Plan confirms that the provision of car parking is a key determinant in the mode of travel. The adopted Development Plan seeks to reduce the reliance on private car for travel and instead promotes more sustainable modes of travel such as public transport, walking and cycling. The proposed development would be a 'car free' scheme where the residents of the accommodation are without any on-site car parking provision. Having regard to the nature of the proposed use and the city centre location of the site, this approach is considered to be appropriate. The site lies a short walk from the Solent University and is within walking distance to bus route connections to the University of Southampton. There are existing on-street car parking restrictions in the area and as such, the proposal would be unlikely to generate significant over-spill car parking on surrounding streets. The section 106 legal agreement would include a clause to secure an intake management plan to agree measures to manage, in particular, the arrivals of students at the start of a new academic year. The four car parking spaces on site, which will generally be reserved for the site manager(s) and use by staff accessing the café and other commercial units/servicing can also be used on student arrival and departure days.
- 6.29 To service the commercial units our highways team have agreed that servicing can be achieved from the parking restricted areas in front of the site defined by double yellow lines either side of the pay and display bays.
- 6.30 On Castle Way the width of the highway is proposed to be narrowed as a consequence of the development. This was a requirement set out by the Council in its raft of planning design guidance so that the historic street pattern is replaced. As a consequence three on street public parking bays will be relocated further to the north, still on Castle Way before the junction with West Street. The spaces are required to be moved to ensure that the road width is sufficient and given that there are parking bays located on the opposite side of

Castle Way adjacent to the application site. Footway alterations will also be required. Both will be secured via the s.106 process.

- 6.31 The construction of a vehicular crossover at the main vehicular access point will also be required. The cross over will be constructed in granite setts or similar in order to match surrounding materials whilst providing sufficient support for heavy vehicular loads.
- 6.32 With storage of bikes in the basement the applicant has proposed to include a lift. Adequate bin and cycle storage is provided.
- 6.33 The accessible nature of the site coupled with the limited car parking will meet the aim for sustainable patterns of development, as required by the Council's adopted policies.

Mitigation of direct local impacts

- 6.34 The application also 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 Developer Contributions Supplementary Planning Document. 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.
- 6.35 A private residential 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).
- 6.36 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 3**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

- 7.1 Currently the site has a poor-quality appearance, the proposal, by contrast would introduce genuine active frontages to the street, aided by the incorporation of ground floor commercial units fronting High Street, habitable room windows facing Castle Way, support facilities for the students use including cafe and a landscaping.
- 7.2 Having regard to the city centre and highly accessible location of the site, it is considered to be appropriate to accommodate a significant body of student accommodation. The provision of a ground floor commercial use assists in providing an active frontage whilst retaining an employment use on the site. The proposal would meet an identified need for this type of housing in the city and submitted information demonstrates that a high-quality development would be achieved that has a positive relationship with the surrounding area.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below, following the approval of the HRA.

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) (e) (f) 4.(a) (b) (c) (d) (e) (f) (g) (r) (ll) (vv) 6 (a) (b)

MP for 13/11/2018 PROW Panel

PLANNING CONDITIONS

1.Full Permission Timing Condition (Performance)

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

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

2.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.Details of building materials to be used (Pre-Above Ground Work)

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

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

NOTE: Stone work as shown on the approved plans and as agreed will be reconstituted stone and not render.

4.Building façade detailed construction (Performance Condition)

The detailed construction of the facade to High Street and Castle Way shall be carried out in accordance with the submitted and approved plans in particular:

846-D-530 rev B

846-D-531 rev -

846-D-532 rev A

846-D-533 revision A

846-D-534 rev A

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 and given the local context of conservation areas and listed buildings.

5.Active Ground Floor Frontage (Performance Condition)

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any Order amending, revoking or re-enacting these Regulations, the occupiers of the ground floor frontage to the High Street hereby approved shall retain clear glazing on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyl or equivalent) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of retaining a lively and attractive street scene without obstruction and to improve the natural surveillance offered by the development.

6.Landscaping, lighting & means of enclosure (Pre- Above Ground Work)

Notwithstanding the submitted and agreed landscape layout plan, before any internal fit out to the building (post shall and core construction) is carried out 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;
- ii. means of enclosure (gates, fences and walls);
- iii. construction specification for all hard landscaping – in particular vehicle cross over and servicing areas
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, lighting columns etc.);
- vi. 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 and to include two for one (as a minimum) replacement for the tree to be removed from the front of the site; and
- vii. a landscape management scheme.

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

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

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

7.Safety and security (Pre-Occupation Condition)

Prior to the occupation of the development a scheme of safety and security measures including on-site management, security of the public route through the site (identifying how and when it will be closed to the public whilst remaining accessible by residents), a lighting plan, a plan showing location and type of CCTV cameras and access to the site at its south

western corner has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first occupation of the development to which the works relate and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and security.

8.Parking/loading/unloading (Pre-occupation Condition)

The development hereby permitted shall not be brought into use until the areas of the site to be used as parking; and for loading and unloading have been provided in accordance with the landscaping condition. The areas shall be surfaced as agreed and subsequently retained and kept available at all times for these purposes to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

9.Parking allocation (Pre-occupation condition)

No part of the development shall be occupied until a car parking allocation scheme, to show how car parking spaces will be allocated to the various uses and occupiers, has been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be allocated and provided in accordance with the approved scheme and thereafter shall be retained for use in connection with the approved development and for no other purpose.

Reason: To ensure that the car parking is provided in accordance with Council policies.

10.Archaeological damage-assessment [Pre-Commencement Condition]

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

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

11.Archaeological structure-recording [Pre-Commencement Condition]

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

Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

12.Archaeological evaluation investigation [Pre-Commencement Condition]

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

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

13.Archaeological evaluation 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.

14.Archaeological investigation (further works) [Performance Condition]

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

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

15. Archaeological work programme (further works) [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.

16. Contamination investigation & remediation (Pre-Commencement & Occupation)

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

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

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

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

17. Use of uncontaminated soils and fill (Performance)

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

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

18. Unsuspected Contamination (Performance)

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

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

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

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

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

And at no time on Sundays and recognised public holidays.

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

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

20.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. The measures shall include arrangements for vehicle parking by site operatives during construction. 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.

21.Public Route

The pedestrian route (shown as Market Lane) shall be retained for public access in accordance with further details that shall have been agreed in writing with the Local Planning Authority prior to the first occupation of the development. The Plan shall include details of when the gates will be locked to the public and this arrangement shall be managed in accordance with the agreed details for the lifetime of the development.

Reason:

In order to provide permeability through the development

22.Piling (Pre-Commencement)

Prior to the commencement of any piling taking place, a piling/foundation design and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity.

23.Wheel Cleaning (Performance 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 have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

24.Sustainable Drainage (Pre-Commencement Condition).

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

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

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

25.BREEAM Standards (Pre-Occupation)

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

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

26.Green Roof implementation [Pre- Above Ground Work]

Prior to any above ground works commencing full details of the proposed green roof to be incorporated within the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of water conservation and to ensure the development is compliant with the City of Southampton Local Plan (March 2006) policy SDP21.

27.Provision and retention of ancillary facilities (Performance Condition)

The ancillary facilities for the student accommodation as shown on the approved plans, to include the communal lounges, communal recreation area (basement), gym, student leisure/café, bin and cycle storage; and associated external amenity spaces, shall be provided in accordance with the approved plans before the residential accommodation is first occupied and retained thereafter for the duration of the use of the building as student accommodation. Suitable lift access shall be provided to the basement during the lifetime of the development in accordance with the approved plans.

Reason: In the interests of the amenities of future occupiers of the building.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

28.Commercial Refuse & Recycling (Performance)

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

Reason: In the interest of visual and residential amenity.

29.Refuse storage not on highway (Performance)

At no time shall refuse be stored on the public highway other than on collection days.

Reason: In the interest of visual and residential amenity.

30.Euro Bin Storage (Performance)

The bin store shall be constructed of masonry under a suitable weatherproof roof, with adequate ventilation. The collection doors are to be of sturdy construction and hinged to open outwards with a minimum opening of 1.4m wide, to have level access avoiding thresholds, and a lock system to comply with SCC standard lock requirements operated by a coded key pad. It must be possible to secure the doors open whilst moving the bins.

Internal lighting to operate when doors are open, and a tap and wash down gulley to be provided, with suitable falls to the floor. Internal doors/walls/pipework/tap/conduits to be suitably protected to avoid damage cause by bin movements.

The access path to the bin store shall be constructed to footpath standards and to be a minimum width of 1.5m. Any gates on the pathway are not to be lockable, unless they comply with SCC standard coded keypad detail.

The gradient of the access path to the bin store shall not exceed 1:12 unless suitable anti-slip surfacing is used, and still shall not exceed 1:10.

A single dropped kerb to the adjacent highway will be required to access the refuse vehicle with the Euro bin.

The site management must contact SCC refuse team 8 weeks prior to occupation of the development to inspect the new stores and discuss bin requirements, which are supplied at the developer's expense. E mail waste.management@southampton.gov.uk

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

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

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

Outer pane of glass - 10mm

Air gap between panes - 12mm

Inner pane of glass - 6 mm

or, with secondary glazing with a -

Outer pane of glass - 6mm

Air gap between panes - 100mm

Inner pane of glass - 6.4 mm

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

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

32.Extract Ventilation [Pre-Occupation Condition]

The student cafe shall not be used for the sale of hot food until extraction and ventilation equipment has first been provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority in writing. The equipment shall thereafter be retained in accordance with the agreed details whilst a restaurant or café use is operating.
Reason: To protect the amenities of the occupiers of existing nearby properties.

33.Noise & Vibration (external noise sources) (Pre-Above Ground Work)

Prior to any above ground works taking place associated with the development hereby approved, a scheme of measures to protect the residential occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.
Reason: To protect the occupiers of the development from excessive external noise.

34.Restricted use of flat roof area (Performance Condition)

The 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 and amenity of adjoining occupiers.

35.Details of a Management Plan [Pre-Occupation Condition]

Notwithstanding the information provided as part of the application, a management plan setting out measures for the day to day operation of the building shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied. The management plan shall include details of staffing levels, car parking arrangements and measures for mitigating noise and disturbance which might affect the amenities of neighbours. The development shall operate in accordance with the approved management plan for the lifetime of the use of the site for student residential accommodation unless otherwise agreed in writing by the Local Planning Authority.
Reason: To satisfy the Council that the operation of the site would not be to the detriment of the residential amenities of neighbouring occupiers.

36.Ecological Mitigation Statement (Pre-Above Ground Works)

Prior to any above ground works commencing, the developer shall submit a programme of habitat and species mitigation and enhancement measures (which will include swift nesting boxes to be installed on the north elevation) and unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme prior to first occupation of the building.
Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

37.Hours of Use & Delivery Non-residential uses [Performance Condition]

The non-residential use hereby permitted shall not operate outside the following hours:

Monday to Saturdays 06:30 to 00:00 hours

Sunday and recognised public holidays 07:00 to 23:00 hours

No deliveries shall be taken or despatched from the non-residential uses outside of the hours of 06:00 to 23:00 daily.

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

38.Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the four commercial units fronting High Street within the development hereby approved shall be used only for A1 retail use purposes indicated on the submitted plans and not for any other purpose, without further planning permission.

Reason: In the interest of the amenities of neighbouring occupiers.

39.Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect and divert the public sewers and water apparatus, prior to the commencement of the development.

Reason: In order to safeguard the public sewer.

40.Drainage Details [Pre-Commencement Condition]

Construction of the 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.

Reason: To ensure satisfactory drainage provision for the area.

Core Strategy - (as amended 2015)

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
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
HE1	New Development in Conservation Areas
HE3	Listed Buildings
HE6	Archaeological Remains
CLT14	City Centre Night Time Zones and Hubs
CLT15	Night Time Uses in Town, District and Local Centres
H2	Previously Developed Land
H7	The Residential Environment
H13	New Student Accommodation
REI4	Secondary Retail Frontages
REI7	Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 5	Supporting existing retail areas
AP 8	The Night time economy
AP 9	Housing supply
AP 10	Supporting primary and secondary education facilities
AP 16	Design
AP 17	Tall buildings

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

04/00866/FUL - Redevelopment of the site to provide a mixed use development of 175 residential units; retail (Class A1), food & drink use (Classes A3, A4 or A5) or financial & professional services office use (Class A2); offices (Class B1) or a health & medical use (Class D1), within 4 buildings ranging in height from 3-storeys to 6-storeys; 85 off-street car parking spaces; closure of existing road in Castle Way and formation of a new pedestrian route through the site. Conditionally Approved 25.05.2005.

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	02 nd November 2018
Application reference:	17/01683/FUL
Application address:	119-122 High Street & 55-59 Castle Way, Southampton, SO14 2HP
Application description:	Demolition of existing buildings and re-development of the site with a 5 - 6 storey building to accommodate 188 student bedrooms in the form of 18 cluster flats with associated communal facilities, management office and cycle store; 4 separate retail units; vehicular, pedestrian and cycle access; access for adjoining properties, and landscaping.
Lead Planning Officer:	Anna Lee
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

should have provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and

Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of unit (number of bedrooms)	Scale of mitigation per unit (£)
1	337.00
2	487.00
3	637.00
4	749.00
5	880.00

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

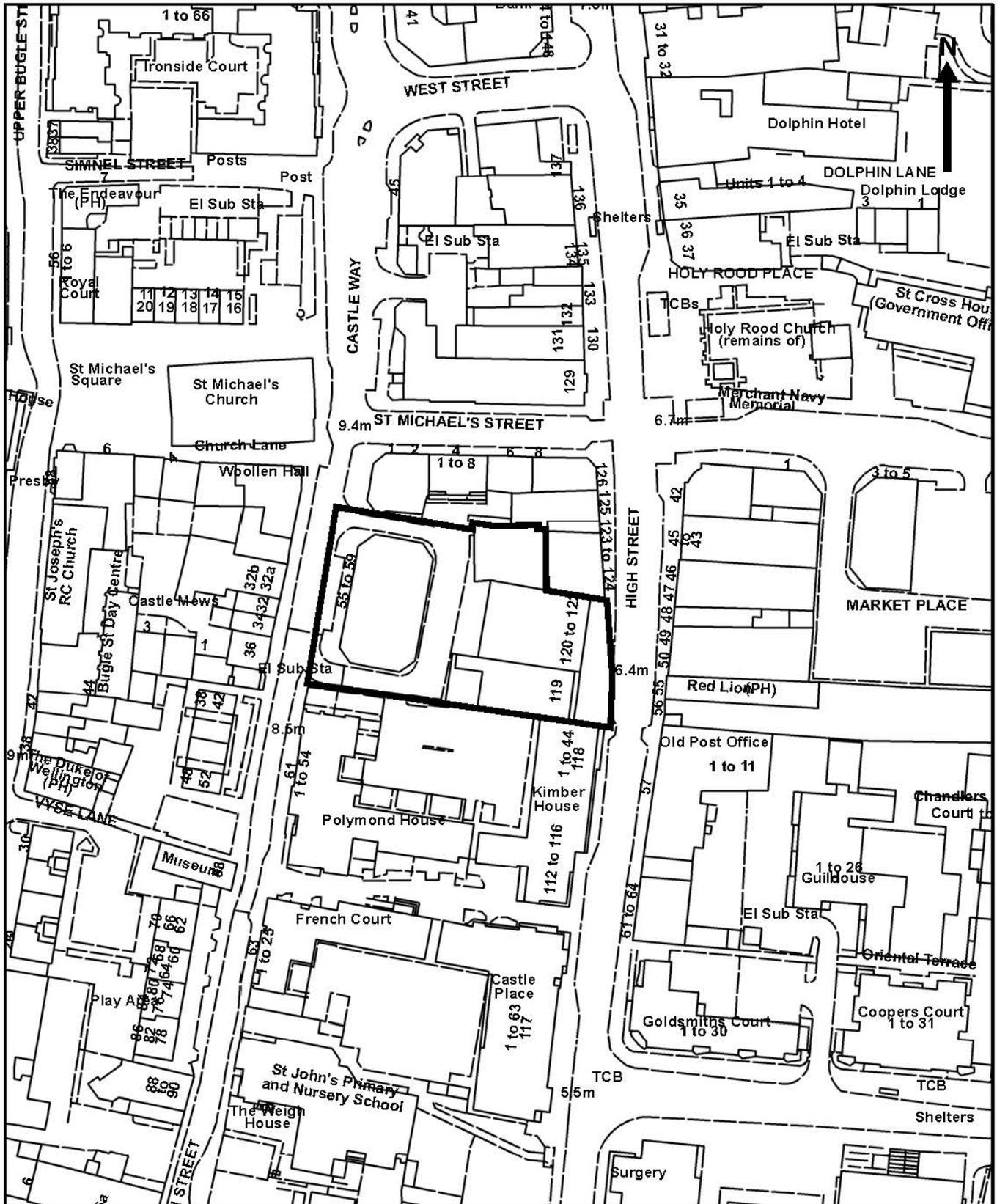
In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.



Scale: 1:1,250

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Agenda Item 7

Planning and Rights of Way Panel 13 November 2018 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 10 Oakmount Avenue, Southampton			
Proposed development: Alterations to site frontage including partial demolition of existing wall and provision of extended hard standing area to facilitate on site car parking (Part retrospective)			
Application number:	18/01442/FUL	Application type:	FULL
Case officer:	Peter Morgan	Public speaking time:	5 minutes
Last date for determination:	24.09.2018	Ward:	Portswood
Reason for Panel Referral:		Ward Councillors:	Cllr Lisa Mitchell Cllr John Savage Cllr Matthew Claisse
Referred to Panel by:		Reason:	Five or more letters of objection have been received
Applicant: Dr Rafia Deader		Agent: N/a	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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 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 –CS13 and CS14 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9 HE1 and HE2 of the City of Southampton Local Plan Review (Amended 2015) as supported by the Article 4(2) Direction of the Oakmont Triangle Conservation Area Character Appraisal and Management Plan.

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1. The site and context

- 1.1 The application site relates to a detached family dwelling located on the north-eastern side of Oakmount Avenue. The application premises falls within the Oakmount Triangle Conservation Area, which is characterised by a mixture of inter-war detached family dwellings and apartments, with some dwellings pre-dating WWI. With regard to the house design and materials of construction, the application dwelling and boundary wall are comparatively modern in appearance. However, as with neighbouring properties, the application dwelling is set back behind a front garden that is bounded by a 1 metre high brick wall with a single opening for pedestrian access.
- 1.2 The boundary wall to the application property has been partly demolished to widen the existing opening in order to facilitate vehicular access to a single parking space within the curtilage of the site. The development scheme also involves hard and soft Landscaping of the front garden and comprises laying of block pavements and the creation of three flower beds. Work has already commenced and nearing to completion.
- 1.3 The development has been amended to accommodate some of the concerns raised by some residents. The revised scheme has increased the size and number of the flowers beds from two to three and would reinstate a small portion of the boundary wall (1m) adjacent to the neighbouring property no12 Oakmount Road, reducing the width of the opening from 3.6 metres to 3 metres.
- 1.4 The application premises falls within the Oakmount Triangle Conservation Area and is therefore subject to an Article 4(2) Direction removing 'permitted development' rights for the following works fronting onto a highway, including:
- 2(e). The provision, within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house (including paths and hardstandings).
 - 2(g). The erection construction, improvement, alteration or demolition of a gate, fence wall or other means of enclosure (whether whole or in part) within the curtilage of the dwelling house.

2. Proposal

- 2.1 The application proposal involves the partial demolition of existing wall to increase the width of the former opening, remove concrete hardstanding and inset block pavements to facilitate a single car-parking space and create formal flower beds.
- 2.2 This application is submitted retrospectively with the partial demolition to widen an existing opening having been carried out.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at Appendix 1.
- 3.2 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the

aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 The statutory test for the proposal, as set out in section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

3.4 In accordance with para 189 of the NPPF, an assessment of the significance of the building within the Conservation Area is set out in this report with reference to the Council's Conservation Area Appraisal.

4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in Appendix 2 of this report.

4.2 The conversion of the application premises to 2 no. flats was approved under application reference 04/01209/FUL, the consent has now lapsed and the house has retained the permitted use as a single family dwelling.

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 03.08.2018 and erecting a site notice 03.08.2018.

5.2 The applicant submitted revised drawings on 4th October 2018 and officers have re-consulted adjoining and nearby landowners and other bodies including:

- i. Oakmount Triangle Residents Association
- ii. Bassett and Highfield Conservation Area Forum
- iii. Highfield Residents Association
- iv. The City of Southampton Society

5.3 At the time of writing this report **30 representations** have been received from surrounding residents and other parties; including 9 objections and 20 in support and 1 additional representation. The following is a summary of the points raised:

5.4 In terms of those writing in to support the project they comment that the proposed works are attractive, in keeping with the area and should be granted planning permission. They comment that the front wall is of no merit in conservation terms, either in its design or in the type of brick used. We think the changes will, if anything, improve the general street scene, given the choice of pavements and the inclusion of areas for planting. The objectors disagree and comment as follows:

5.5 Comment

The works undertaken are not in keeping with the character and nature of the conservation area. Having undertaken these works without permission and being granted a retrospective dispensation would create a precedent which in future

would undermine the nature, control and benefits of the conservation area. Oakmount Conservation Area Management Plan makes it quite clear that removal of front walls and replacing front gardens with hard standing to facilitate car parking or the introduction of dropped curbs are strictly forbidden.

5.6 **Officer Response**

The Article 4 direction is in place to control small alterations such as this in order to prevent the dilution of character which makes the area special. The proposal should therefore be taken seriously in terms of its impact on the character of the conservation area. The Article 4 Direction is not necessarily prohibitive, its function is to remove permitted development rights hence development is subject to the planning application procedure thereby each submission is considered on a case by case basis. Whilst the Council seeks to be consistent in decision making, it is not considered that a precedent would be established were the Council minded to approve. The peculiarities of this application are elucidated within this report. Officers do not condone the retrospective nature of the works but the Council, nevertheless, has to assess the application in accordance with the particular merits of the case.

5.7 **Comment**

I suggest the proposed new pillar at the left should revert to the original position and a minimum CLEAR width of 3m

5.8 **Officer Response**

There is a 3 metre width of the opening. Cars emerging from the highway would do so slowly cautiously

Consultation Responses

5.9 **SCC Historic Environments Officer – No objection**

There is no objection to the proposal providing that there is future control over what happens to the rest of the garden. The percentage of planted area (soft landscaping) should be retained and if possible, a landscape scheme condition should be applied to this permission and implementation should be checked. In terms of the street frontage, this could actually result in an enhancement over the existing. The amendment is fully within the spirit of the Conservation Area Management Plan, retains the character of the street frontage and the conservation area, and consequently that planning permission should be granted. With regard to future potential for further conversion of the planted area to hardstanding, this is already controlled by the Article 4 direction (in which case, planning permission would be required). The layout of this current application provides an acceptable balance between hard and soft landscaping reflecting the proportion which is common to a number of properties along this street. Further conversion would certainly be resisted more vigorously for the reasons given above. There is no objection to this proposed amended scheme

Note:

The landscaping scheme shall be delivered in accordance with the submitted amended plans without the need for an additional condition as requested. The Article 4 provisions will still apply for future works.

5.10 **The City of Southampton Society**

- 5.11 The work of this property is well advanced. The wall in question is NOT of the traditional style typical of that area; although not new, it is not indented. Widening the entrance will allow a vehicle to be parked off the road. There will be some loss of the lawn area. The neighbours would not be disadvantaged. The situation is not perfect but because the change is not intrusive, a vehicle will be taken off the road and the work is so advanced that a reversal would not be of any great benefit, we approve.

5.12 **Highfield Residents Association**

- 5.13 Highfield Residents Association fully supports any objection also submitted by the Oakmount Triangle (OTRA). The proposed works are entirely contrary to the Conservation Area Status and Management Plan and would, if allowed, create a Precedent which would undermine the future of the Conservation status of The Triangle. The Conservation status makes it quite clear that removal of front walls and replacing front gardens with hard standing to facilitate car parking or the introduction of dropped curbs are strictly forbidden. It is disappointing to note that the applicant, who has lived in The Triangle for a number of years and is fully aware of the Conservation area, should seek to usurp it's status in this way, not least by initiating works over a weekend and without having sought any form of prior permission.

6.0 Planning Consideration Key Issues

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

- The principle of development & impact on heritage;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport;
- Mitigation of direct local impacts; and
- Likely effect on designated habitats.

6.2 Principle of Development & Impact on Heritage

- 6.2.1 The application property is located within Oakmount Triangle Conservation Area and although the proposal is relatively minor in terms of scale and scope, the effect of removing existing walls and creating openings onto the street can have a detrimental effect if repeated routinely. There is an Article 4 direction in place to control small alterations such as this in order to prevent the dilution of character which makes the area special. The proposal should therefore be taken seriously in terms of its impact on the character of the conservation area. The Conservation Area Appraisal and Management Plan sets out that the conversion of planted front gardens to hard standing should be resisted.
- 6.2.2 Work has, however, already begun. Therefore, the main issues for consideration are whether the level of harm is so egregious it detracts from the character and appearance of the Conservation Area, and therefore the appropriate remedy is the reinstatement of the wall and garden to their former condition.
- 6.2.3 Policy HE1 of the Local Plan Review 2015 (as amended), as supported by LDF Policy CS14, allows development affecting conservation areas, which preserve or enhance the conservation area, having regard to the Conservation Area

Character Appraisal, and providing such applications are sufficiently supported by detail to enable a full assessment of the proposal.

- 6.2.4 However, *paragraph 201* of the National Planning Policy Framework (Revised 2018), acknowledges that ‘Not all elements of a Conservation Area... will necessarily contribute to its significance’, and provides that the LPA should take into account the “relative significance”, of the element affecting and its contribution to the significance of the Conservation Area ...as a whole’.
- 6.2.5 The SCC Historic Environments Officer, in respect of the original scheme, notes the prevalence of vehicular accesses within the street and their benign impact upon the character and appearance of the Oakmount Triangle Conservation Area owing to their general design which consists of large portions of the brick wall being retained. The application proposal would in a similar way to the other properties with vehicular accesses, retain much of the existing wall.
- 6.2.6 The e SCC Historic Environments Officer did consider that the application proposal would be acceptable in terms of design given the proportions of existing wall that is retained, and did not consider that the alterations to the boundary would be harmful the overall character of the Conservation Area. Provided there is future control over what happens to the rest of the garden the Heritage Officer raises no objection to the proposal.
- 6.2.7 With regard to the revised scheme, the e SCC Historic Environments Officer welcomed the proportional increase of soft landscaping, which correspondingly reduced the amount of hard landscaping, to a degree which when compared to what currently exists, would amount be a relatively minor increase.
- 6.2.8 Taken together with the reinstatement of a proportion of the demolition wall, the scheme overall would be in keeping with the spirit of the Oakmount Triangle Conservation Area Management Plan and as such no objection is raised in respect of the proposed amended plan. On this basis, in accordance with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 it is considered that the proposal would preserve the character and the appearance of the Conservation Area and can be supported, whilst acknowledging the frustration caused by the retrospective nature of the development.
- 6.3 Design and effect on character
- 6.3.1 In terms of visual impact, the application proposal should be viewed in respect of its impact to the street scene and Conservation Area as a whole and not the individual plot alone. It is considered that the proposed development would be in keeping with the area givens its design, which involves the widening of an existing opening to allow a single car to pass, and the retention of much of the existing wall. The full length of the frontage measures 11 metres. The long section of wall is 7 metres, there is a 3 metre opening and 1 m metre length adjacent to no.12 Oakmount Avenue.
- 6.3.2 The removal of existing hardstanding in favour of more formal paviour design, retaining characteristic flower beds, whilst ensuring the acceptable balance between hard and soft landscaping.
- 6.3.3 The revised proposal will increase the largest flower bed adjacent to the largest section of wall as well as create a new flower bed adjacent to the shared boundary wall with no.12 Oakmount Avenue. The opportunity for soft landscaping will ensure the positive visual impact of the frontage and preserve the character and appearance street scene in accordance with policy HE1 of the Local Plan. Compared to the current appearance of the garden, the application

proposal will encourage a more robust landscaped environment that will soften the appearance of the site overall. The scheme is considered to be acceptable.

6.4 Residential amenity

6.4.1 Other than a change in outlook it is considered that the proposed development would have a very limited impact upon the neighbouring amenity.

6.5 Parking highways and transport

6.5.1 The proposed development would result in the loss of the on street parking space to create one in-curtilage parking space. There is a modest environmental benefit through the removal of a single car from the street, however, it is considered that in truth the impact on parking would be neutral. No highway safety concerns arise from the change.

7. **Summary**

7.1 The proposed development is considered to be acceptable in terms of design and scope. With regard to impact on the Oakmount Triangle Conservation Area, the impact is considered overall to be modest and is supported by the SCC Historic Environments Officer. The application scheme amounts to the alteration of the frontage of a modern dwelling that is not characteristic of dwellings within the Conservation Area, the impact therefore of the proposed development on the Conservation Area is less than substantial. The application has received no objection from the SCC Historic Environments Officer.

8. **Conclusion**

8.1 It is recommended that planning permission be granted.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d)

Case Officer Initials for 13/11/18 PROW Panel

PLANNING CONDITIONS

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved amended plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. The development shall be completed in accordance with these plans prior to the first use of the new parking space for its intended purpose.

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design
CS14 Historic Environment

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
HE1 New Development in Conservation Areas
HE2 Demolition in Conservation Areas

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)
Oakmont Triangle Conservation Area Character Appraisal and Management Plan

Other Relevant Guidance

The National Planning Policy Framework (2019)

Relevant Planning History

03/01198/LDCP

Change of use of property from two maisonettes to a dwelling house. – **WITHDRAWN**
05.08.2004

04/01209/FUL

Conversion of property from 2 no. flats to a dwelling house. – **CAP** 04.10.2004

18/01254/FUL – Application Received

Removal of side wall to allow access for driveway- keeping side pillar. Replacement of previous block paving with new like-for-like blocks in keeping with the area, also using same paving over existing hardstanding area. Replacement of the two previous lawn areas with soft standing for shrubs and flowers.

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Agenda Item 8

Planning and Rights of Way Panel 13th November 2018 Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: 100 Spring Road, Southampton			
Proposed development: Change of use of shop (Class A1) to hot food takeaway (Class A5) with the installation of an extractor flue to rear.			
Application number:	18/01483/FUL	Application type:	FUL
Case officer:	John Fanning	Public speaking time:	5 minutes
Last date for determination:	12.10.2018	Ward:	Peartree
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors:	Cllr Bell Cllr Houghton Cllr Keogh
Referred to Panel by:	Cllr Houghton	Reason:	Impact on residential amenity (smells, noise). Parking impacts associated with opening hours.
Applicant: Mr Ozel Ozdemir		Agent: Mrs Gokay Toz	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The 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 39 - 42 and 46 of the National Planning Policy Framework (2018).

Saved Policies - SDP1, SDP5, SDP7, SDP16, REI6, REI7 of the City of Southampton Local Plan Review (Amended 2015); CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Opening hours of nearby properties		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The site is situated along Spring Road in a row of commercial premises, typically with residential at first floor level. The site lies opposite a small area of open space, with the wider area being residential in nature. The site is located within a defined Local Centre (Policy REI6 refers).

2. Proposal

2.1 The ground floor is currently vacant, previously being occupied as a shop. The application seeks permission for the change of use of the ground floor to serve as a hot food takeaway (Class A5) with associated external ventilation and extraction equipment.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at *Appendix 1*.

3.2 The application site is located within the Merryoak Local Centre where Policy REI6 applies. It states that:

“In order to maintain and, where possible, enhance their role of serving the daily needs of the local population, development proposals will be permitted in Local Centres if:

- i. the use falls within Classes A1, A2, A3, A4 or A5;
- ii. the use provides appropriate leisure, social or community uses;
- iii. the use provides employment opportunities;
- iv. the use is for residential purposes, but not at ground floor level.

Development for all but residential uses will only be permitted if it is less than 500m² net floorspace.”

3.3 The National Planning Policy Framework (NPPF) was revised in July 2018. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 The site appears to have a historic use as a retail premises (Class A1). Publicly available images of the street scene appear to show the premises have in recent years been operated for a variety of uses, some of which may have fallen outside of Class A1 (Class A3 in particular most recently). However, none of these transient uses appear to have been present for sufficient time to accrue a lawful use before the current vacancy of the site so the existing lawful use is considered

to be as a Class A1 retail premises. A schedule of the relevant planning history for the site is set out in Appendix 2 of this report.

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 and erecting a site notice (31.08.2018). At the time of writing the report **11 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 **• There are already a number of food/takeaway properties nearby**

Response

The site hasn't been allocated for a particular use in the Council's Development Plan and this change of use falls to be determined against the plan policies. As such the key issue under consideration is if the proposed use is harmful to the character or amenities of the surrounding area. The future financial viability of the scheme is for the applicant to consider and existing competition is a factor in their considerations (and not the Panel's). There is no policy presumption against additional A5 uses in this location.

- 5.3 **• Potential to exacerbate existing issues with littering**

Response

A condition has been recommended to secure a litter bin within the premises.

- 5.4 **• Potential to exacerbate existing parking issues**

Response

The proposal relates to the change of use of an existing commercial premises. While the proposed traffic generation will likely be different, it is not felt that the change is likely to result in significant additional harm beyond the existing situation. The site is within a Local Centre serving a local population and there's a bus stop outside. Not all customers will, therefore, drive to this site.

- 5.5 **• Noise and disturbance from late night use or early morning deliveries**

Response

The Development Plan supports commercial uses, including A5 takeaways, in this location and it is not uncommon for takeaways to trade later into the night than other commercial uses. A condition has been recommended to limit delivery times. The applicant has sought opening hours of midday to 11PM Mon-Sat and midday to 10PM Sun. The existing lawful A1 use of the premises has no planning restrictions on its hours of operation. The proposed hours of use are considered reasonable in the surrounding commercial context. This issue is discussed in more detail in section 6 below.

- 5.6 **• Potential odour issues**

Response

The Council's Environmental Health team have reviewed the submitted details and are satisfied that appropriate odour mitigation can be installed to address a potential odour nuisance.

- 5.7 **• Landlords don't maintain properties/rear gardens of commercial units are poorly maintained encourage pests**

Response

The application includes details of commercial waste management. Maintenance of properties falls outside of the remit of the planning process and is the

responsibility of the land owner to manage, regardless of if the current application is approved or not. Pests can be reported to the Councils Environmental Health team who have strict controls over food preparation premises.

5.8 • **Reduction in surrounding property values**

Response

Issues relating to the character of the area or amenity of nearby residents do form material planning considerations. The value of nearby properties itself is not a material planning consideration and cannot be given weight in the decision making process.

Consultation Responses

5.9 **Environmental Health** – Following a site meeting and further submission of additional details, no objection is raised. A number of conditions are recommended to secure that the development is provided in accordance with the agreed details.

5.10 **Police** – No comment.

5.11 **Licensing** – No comment.

5.12 **Cllr Houghton** – Insufficient detail of odour control and potential noise from extract/ventilation equipment. Additional opening hours could exacerbate parking impacts. Potential for litter.

6.0 Planning Consideration Key Issues

6.1 In terms of the current proposal it is considered that the key issues are:

- Principle of use
- Impact on character
- Impact on amenity

6.2 Principle of Use

6.3 The site is not allocated for a specific use in the Local Plan. The surrounding area is broadly residential in nature but the immediate context of the site is a small commercial frontage with a mix of uses including some other restaurants and takeaways in the wider area. The supporting text to Policy RE16 explains that *‘the smaller local shopping centres play an important role in catering for day to day needs of local residents, and form part of the overall shopping hierarchy of the city. Since they are associated with a catchment area which generally lies within walking or cycling distance, they tend to be relied upon particularly by those without access to a car, and people with disabilities. The emphasis of the Plan will be to consolidate and enhance the existing retail provision, and ensure that any expansion can be integrated into the centre.... Similarly, the large number of shopping parades, groups of shops and individual retail outlets, help to provide an accessible local service, which it is important to retain...’*. No objection is raised to the principle of the commercial use so the key issues are the specific impacts of the proposed development.

6.4 Impact on character

6.5 The application proposes some physical alterations to the rear of the property to install extract/ventilation equipment but otherwise would be retained in line with the existing appearance of the property. The physical alterations are relatively minor in scope, situated to the rear and more broadly integrate into the commercial features in the surrounding area. In the context of the commercial

frontage it is not considered that an additional takeaway would have a harmful impact on the wider character of the area.

6.6 Impact on amenity

6.7 The potential amenity impacts are somewhat more wide ranging relating to a number of issues associated with the new use. The key focus will be on the differences between the lawful retail use of the site compared to the potential impacts of the proposed takeaway use.

6.8 The Council's Environmental Health team have reviewed the submitted details of the proposed extract/ventilation system. Following the submission of additional details and clarification during the application process their advice is that a set of conditions securing the development in accordance with these details will be sufficient to address potential noise and odour concerns for nearby residential occupiers. Their comments are materials to the Panel's deliberations and have been afforded significant weight by officers.

6.9 Another potential issue relates to the proposed hours of use which extend until 11PM Mon-Sat and 10PM on Sun. The property is situated as part of a run of commercial premises which runs along Spring Road and into Deacon Road. A summary of the opening hours in accordance with the planning regulations of some of the nearby properties has been attached as Appendix 3 but in brief, the proposed hours of operation are broadly in line with other commercial units in the area. The existing retail use appears to be a historic use of the site and there doesn't currently appear to be any restrictions in terms of the planning legislation on the hours of operation of the premises for retail. Hampshire Constabulary and SCC Licensing have been notified of the application and neither have raised a comment in respect of the proposal.

6.10 Overall taking into account the surrounding commercial context within a defined local centre, the layout in relation to surrounding buildings and the use of appropriate conditions to mitigate associated noise and activity it is considered that the proposed hours of use are reasonable and will not significantly impact on the amenity of surrounding residents when compared to the existing situation.

6.11 The application site has a small area of forecourt which is positioned behind a bus stop. One of the concerns raised by local residents relates to an increase in parking in adjacent streets associated with the proposed takeaway. While there will likely be a different pattern of traffic generation associated with the premises, it is noted that the property is an existing commercial premises, situated in a row of commercial properties. It is not considered that the use as a takeaway will result in significant additional harm.

7. **Summary**

7.1 The impacts of the proposed use would differ from those associated with the existing retail use of the premises however taking into account the surrounding commercial context, it is considered that the additional impacts can be addressed adequately through the use of conditions.

8. **Conclusion**

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

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) (f) 4.(f) (vv) 6. (a) (b)

JF for 13/11/18 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

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

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

02. Litter bin (Performance)

A litter bin shall be provided on the site within the customer area of the floor space and made available for use of patrons of the hot food takeaway hereby approved during trading hours.

Reason: To prevent littering in the surrounding area.

03. Extract and ventilation equipment (Performance)

The proposed extract and ventilation equipment shall be implemented in accordance with the details outlined in the submitted documents (including odour filters, anti-vibration mounting and other noise mitigating features) prior to the first occupation of the use hereby approved. The development shall be retained as such thereafter.

Reason: To protect the amenities of nearby properties.

04. Hours of Use (Performance)

The use hereby approved shall not operate outside the following hours:

Monday to Sat -	12:00-23:00 (midday to 11PM)
Sunday and recognised public holidays -	12:00-22:00 (midday to 10PM)

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

05. Delivery times (Performance)

The delivery of goods to the premises shall only take place between the following times:

Mon to Sat -	08:00-22:00 (8AM to 10PM)
Sun and recognised public holidays -	10:00-16:00 (10AM-4PM)

Reason: To protect the residential amenities of adjacent residents

06. 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 - (as amended 2015)

CS13 Fundamentals of Design
CS19 Car & Cycle Parking

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

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP16 Noise
REI6 Local Centres
REI7 Food and Drink Uses (Classes A3, A4 and A5)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

970385/E, Change of use of bedsit accommodation at first floor to one bed self-contained flat and erection of a single storey front extension
Conditionally Approved, 29.05.1997

890366/ET, Continued use as retail and bedsitters (Renewal 1556/E56; dated 27/11/79 expired 31/12/84)
Conditionally Approved, 19.04.1989

1630/E38, Single-storey rear extension
Conditionally Approved, 03.05.1983

1556/E56, Continued use as retail and bedsitters (Temporary permission expires 31.12.1984)
Conditionally Approved, 31.12.1984

Opening hours of nearby properties

- 96 Spring Road
05/00534/FUL
11.00-23.00 Mon-Sat, 11.00-22.30 Sun

- 102-104 Spring Road (Tesco)
14/01564/FUL
06.00-23.00

- 104B Spring Road (Subway)
09/00929/FUL
07.00-23.00 Mon-Sat, 07.00-22.00 Sun

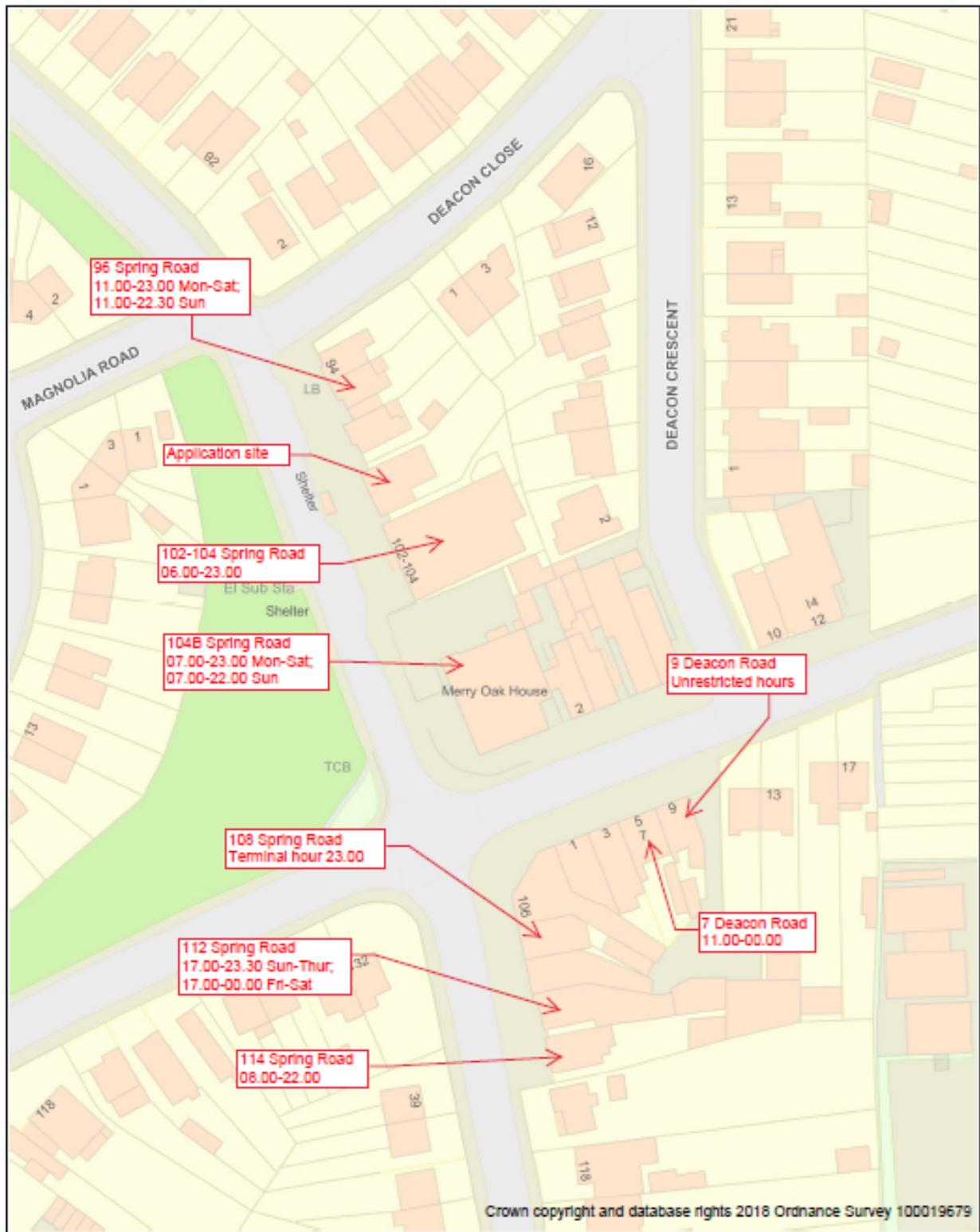
- 9 Deacon Road (Dippies Chippy)
Historic use
Unrestricted hours

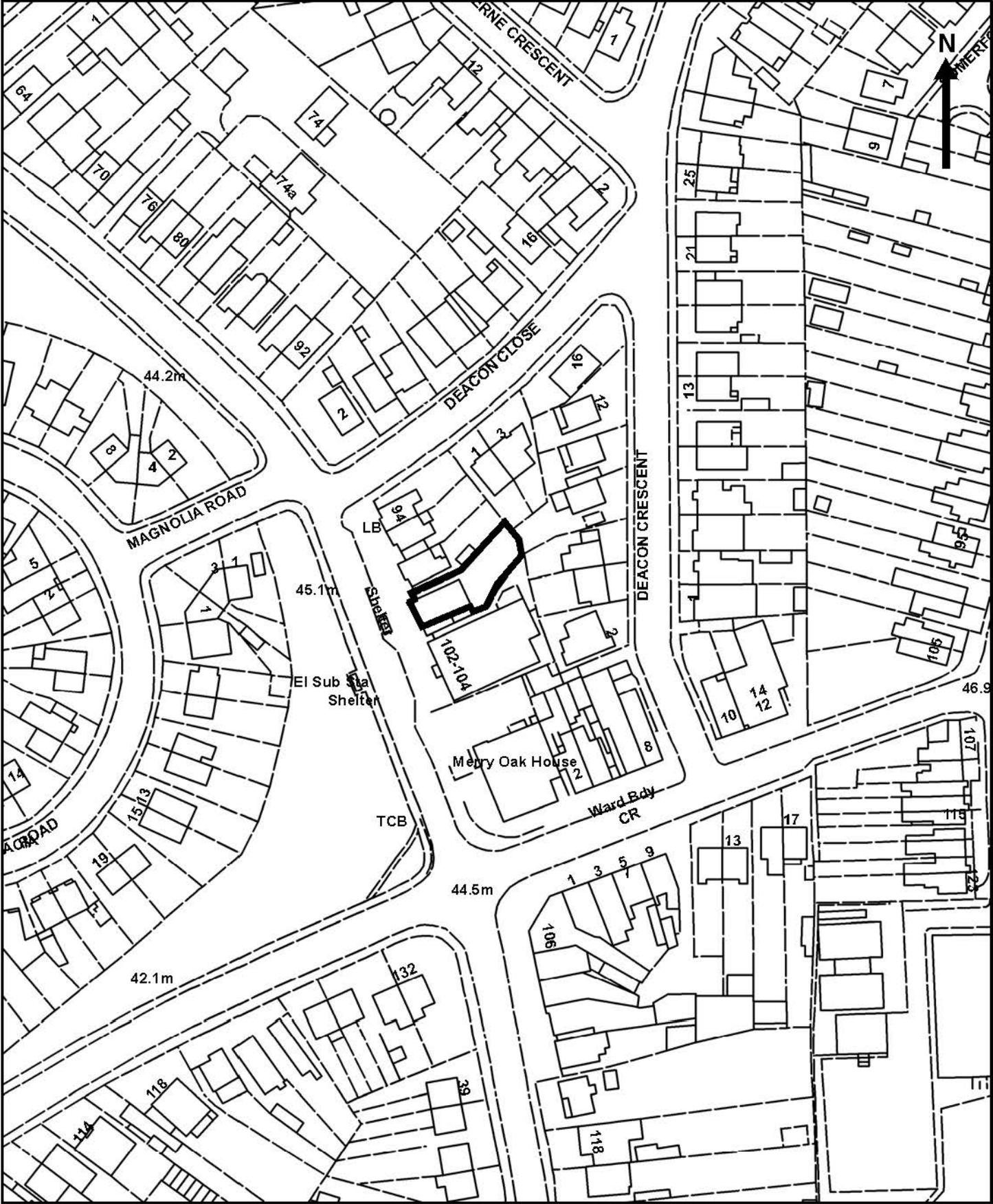
- 7 Deacon Road (L.A. Pizza)
950580/E
11.00-23.00
05/00974/VC (1 year temporary consent)
11.00-00.00

- 108 Spring Road (New Wongs Garden)
1457/74
Terminal hour 23.00

- 112 Spring Road (West Lake)
06/00762/VC
17.00-23.30 (Sun-Thur)
17.00-00.00 (Fri-Sat)

- 114 Spring Road (Mayflower Christian Bookshop)
15/01332/FUL
08.00-22.00





Scale: 1:1,250

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DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	QUARTERLY DEVELOPMENT MANAGEMENT FIGURES		
DATE OF DECISION:	13 NOVEMBER 2018		
REPORT OF:	SERVICE MANAGER - DEVELOPMENT		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Stephen Harrison	Tel: 023 8083 4330
	E-mail:	Stephen.harrison@southampton.gov.uk	
Service Lead	Name:	Samuel Fox	Tel: 023 8083 2044
	E-mail:	Samuel.fox@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
The Council's Overview and Scrutiny Committee requested that key planning metrics are provided to the Planning Panel on a regular basis. The following information is therefore provided to the Panel in response to this request.	
RECOMMENDATIONS:	
	(i) That the Panel considers and notes the Development Management key metrics as set out in the paper and provides feedback (if necessary).
REASONS FOR REPORT RECOMMENDATIONS	
1.	To ensure that the Panel has a greater understanding of the performance of Development Management. The nationally set target for performance is as follows: <ul style="list-style-type: none"> • 60% of Majors determined within 13/16 weeks • 70% of Non-Majors determined within 8 weeks
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None.
DETAIL (Including consultation carried out)	
3.	The following table sets out the performance against the key planning metrics.

Total minor and other development decisions	94	100	78	272
Total minor and other development decisions within 8 weeks	63	76	56	195
Planning Performance Agreement, agreed Extension of Time or Environmental Impact Assessment decisions	26	15	17	58
Planning Performance Agreement, agreed Extension of Time or Environmental Impact Assessment decisions within agreed time	20	15	16	51
TOTAL RESULT	88.30%	91.00%	92.31%	90.44%
Out of time	11	9	6	26
MAJORS				
Total Major development decisions	1	3	1	5
Total Major development decisions within 13 weeks	0	1	1	2
Planning Performance Agreement, agreed Extension of Time or Environmental Impact Assessment decisions	1	2	0	3
Planning Performance Agreement, agreed Extension of Time or Environmental Impact Assessment decisions within agreed time	1	2	0	3
TOTAL RESULT	100%	100%	100%	100%
Out of time	0	0	0	0

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
4.	None.
<u>Property/Other</u>	
5.	None.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
6.	Not applicable.
<u>Other Legal Implications:</u>	
7.	Not applicable.
RISK MANAGEMENT IMPLICATIONS	
8.	Not applicable.
POLICY FRAMEWORK IMPLICATIONS	

9.	Not applicable.
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KEY DECISION?	No
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WARDS/COMMUNITIES AFFECTED:	All
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<u>SUPPORTING DOCUMENTATION</u>
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Appendices

1.	None
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Documents In Members' Rooms

1.	None.
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

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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