

# Planning and Rights of Way Panel

Tuesday, 8th January, 2019  
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.

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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**

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

<b>2019</b>	
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 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.

### **3 STATEMENT FROM THE CHAIR**

### **4 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 11 December 2018 and to deal with any matters arising.

## **CONSIDERATION OF PLANNING APPLICATIONS**

### **5 PLANNING APPLICATION - 18/00898/FUL - RILEYS - CHURCH END** (Pages 13 - 60)

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 - 18/01889/FUL - 14 THE BROADWAY** (Pages 61 - 78)

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.

Friday, 28 December 2018

Director of Legal and Governance

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PLANNING AND RIGHTS OF WAY PANEL  
MINUTES OF THE MEETING HELD ON 11 DECEMBER 2018

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

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

**RESOLVED:** that the minutes for the Panel meeting on 13 November 2018 be approved and signed as a correct record.

43. **OBJECTION TO THE MAKING OF THE SOUTHAMPTON (OCEAN VILLAGE - BARCLAYS HOUSE) TREE PRESERVATION ORDER 2018**

The Panel considered the report of the Head of Service seeking approval to confirm The Southampton (Ocean Village - Barclays House) Tree Preservation Order 2018.

Peter Warren (agent) was present and with the consent of the Chair, addressed the meeting.

Officers informed the Panel that the Order had now been amended to state the numbers of trees being protected. On being put to the vote the recommendation to confirm the Tree Preservation Order was carried unanimously.

**RESOLVED** that the Panel confirmed the Southampton (Ocean Village – Barclays House) Tree Preservation Order 2018, with modification.

44. **PLANNING APPLICATION - 18/00968/FUL (RETAIL) - FORMER EAST POINT CENTRE**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that the Panel refuse planning permission for the above address.

The erection of a food store (Class A1) and a coffee drive thru (Class A1/A3) with associated access, car parking and landscaping.

Graham Linecar (Southampton Common and Parks Protection Society, objecting) Simon Reynier (City of Southampton Society, objecting), Debbie King (Chief Executive Officer Plus You Ltd, objecting) Mike Allott (Plus You Ltd, objecting) Alan Williams and Rob Williams (agents), Lee McCandless (applicant) and Councillor Streets (Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an updated highways management design had been received but, that officers had not been able to model the design before the meeting to ascertain whether this was an appropriate solution to traffic concerns. It was explained that as a result the recommendation had been amended to delegate to officers the reasons for refusal. In addition Panel members were informed that an objection to the application from the Council's Open Space Manager had been received.

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

### **RESOLVED**

- (i) to delegate authority to the Service Lead Infrastructure, Planning and Development to refuse planning permission for the reasons set out below;
- (ii) to delegate authority to the Service Lead Infrastructure, Planning and Development to uphold, remove or amend Refusal Reason 01 (site access) following review of the applicant's late highway submission (revised signalised junction) by the Council's Highway Engineers; and
- (iii) to note that an extension of time agreement has been received from the developer until 9<sup>th</sup> January 2019 to provide additional time for the consideration of the late highway submission.

### **Reasons for Refusal**

#### **01 REFUSAL REASON - Site Access**

The proposal has failed to demonstrate adequate capacity for safe right turn movements out of the site without leading to severe obstruction to traffic flow on Bursledon Road, a main arterial route which has been identified by Highways England as requiring major improvements to improve traffic flow. Therefore the proposal would have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe. Furthermore the proposed layout fails to provide direct pedestrian access from the north, because the site is being developed in isolation, with access for cars given priority over pedestrians. The development proposal is thereby contrary to policies SDP1(i), SDP3, SDP4 and TI2 of the City of Southampton Local Plan Review (2015) and CS18 of the Local Development Framework Core Strategy (2015) and paragraph 109 of the National Planning Policy Framework (2018).

#### **02. REFUSAL REASON - Poor Layout**

This application and the adjoining residential proposal (Ref 18/01373/FUL) have not been developed comprehensively or master planned and as a consequence, the failure to provide access from the southern land parcel onto Burgoyne Road without agreement from third party land would prejudice the future development of this site in the event the northern parcel is developed. Furthermore, the proposed layout provides a poor relationship between commercial and residential uses, with the servicing area for the Aldi food store located on the boundary with a potential housing site thereby prejudicing its full delivery. The close proximity of the proposed service area to the boundary with another potential development site, and the sub-division of the wider site into 2 discreet parts by the proposed means of enclosure, and 3m height acoustic fence, would represent poor place making and would potentially provide an unacceptable residential environment for a residential scheme on the neighbouring site. The development proposal is thereby contrary to policies SDP1, SDP7, SDP9 of the City of Southampton Local Plan (2015) and CS4, CS6 and CS13 of the Local Development Framework Core Strategy (2015)

### 03. REFUSAL REASON – Loss of safeguarded open space

This application results in the net loss of safeguarded open space and fails to mitigate against this loss because replacement open space has not been secured on this site or elsewhere, and S106 contributions have not been secured towards off-site open space improvements to meet the needs of the community and to prevent habitat disturbance. The development is thereby contrary to policies SDP1(i) (ii), CLT3 of the Local Plan Review (2015) and CS21 of the Local Development Framework Core Strategy (2015) which seeks to ensure no net loss of public open space.

### 04. REFUSAL REASON – Insufficient Landscaping

Insufficient tree replacements and landscaping is provided to mitigate against the loss of existing landscaping, trees and biodiversity habitat and to improve the pedestrian environment. Additional landscaping and trees could be provided had the parking layout not exceeded the Council's maximum car parking standards. The proposed site coverage with buildings and hard surfacing and lack of soft landscaping is symptomatic of a site overdevelopment and out of keeping with the character and appearance of the area. Furthermore the development fails to provide net biodiversity gains. Amended landscaping plan 1294-01 Rev C is not considered to adequately address these issues. The development proposal is thereby contrary to saved policies SDP1 (i) (ii), SDP7(i), SDP12 of the City of Southampton Local Plan Review (2015) and policies CS13 and CS22 of the Local Development Framework Core Strategy (2015)

### 05. REFUSAL REASON - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- (i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (ii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (iii) In the absence of a mechanism to secure off-site open space improvements the proposal fails to mitigate against the net loss of open space contrary to CLT3 of the Local Plan Review (2015) and CS21 of the Local Development Framework Core Strategy (2015);

- (iv) Submission of a tree replacement plan to secure 2:1 tree replacement and to secure a tree Replacement Off Site Contribution should any off-site replacements be required;
- (v) Servicing Management Plan;
- (vi) 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
- (vii) (vii) Employment and Skills Plan.

45. **PLANNING APPLICATION - 18/01373/FUL (RESIDENTIAL) - FORMER EAST POINT CENTRE**

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

Redevelopment of the site to create 128 residential dwellings comprising a mixture of 21 houses (20 x 3 and 1 x 4 bed) and 107 flats (29 x 1 and 78 x 2 bed) with associated car parking, bin, cycle storage and landscaping.

Simon Reynier (City of Southampton Society), Cheten Chauhan (agent), Ricky Shagma (applicant), and Andy Meader (supporter) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that an updated highways management design had been received for the site on the south- west land parcel but, that officers had not been able to model the design to ascertain whether this was an appropriate solution to traffic concerns before the Panel meeting. It was explained that should the modelling show that the suggested measures were not suitable then granting planning permission for this site would make the site on the south-west parcel difficult to develop. It was explained that the recommendation had therefore amended to delegate to the Service Lead Infrastructure, Planning and Development authority to refuse planning permission for the reasons set out below. In addition Panel members were informed that an objection to the application from the Council's Open Space Manager had been received.

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

**RESOLVED**

- (i) to delegate authority to the Service Lead Infrastructure, Planning and Development to refuse planning permission for the reasons set out below;
- (ii) to delegate authority to the Service Lead Infrastructure, Planning and Development to uphold, remove or amend Refusal Reason 01 (layout and access management) following review of the applicant's late highway

- submission (revised signalised junction) by the Council's Highway Engineers; and
- (iii) to note that an extension of time agreement has been received from the developer until 9<sup>th</sup> January 2019 to provide additional time for the consideration of the late highway submission.

### Reasons for Refusal

#### 01. REFUSAL REASON - Layout and access arrangement would prejudice the future development of adjoining land

The proposed layout and access arrangement would prejudice the development of adjoining land to the south. The planning application by ALDI Stores Ltd (Ref 18/00968/FUL) failed to demonstrate adequate capacity for safe right turn movements out of the site without leading to severe obstruction to traffic flow on Bursledon Road, a main arterial route which has been identified by Highways England as requiring major improvements to improve traffic flow. As a consequence, the land to the south requires access onto Burgoyne Road. Therefore, unless access can be secured over third party land (Highpoint Centre), the proposed residential layout would prejudice the remainder of the wider site from being developed because there is no opportunity for vehicular access connection onto Burgoyne Road.

Furthermore, because the site as approved under planning permission ref 16/01888/OUT has been split into two land parcels and not master planned or considered comprehensively, the proximity of Block B containing noise sensitive residential accommodation with habitable room windows and balconies with a south facing aspect would also prejudice the development of adjoining land to the south.

The development is thereby contrary to policies SDP1 (i) (iii), SDP16 of the City of Southampton Local Plan Review (2015), CS4, CS6 and CS13 of the Local Development Framework Core Strategy (2015) and Section 11 of the National Planning Policy Framework (2018).

#### 02. REFUSAL REASON - Loss of trees

The proposed removal of existing healthy trees along the northern boundary and position of a prominent close boarded fence would be harmful to the character and appearance of the area and the Burgoyne Road street scene. The proposed replacement planting would not sufficiently mitigate against the loss of these existing trees. The development proposal is thereby contrary to policies SDP1 (i), SDP7 (i) (ii) and SDP12 of the City of Southampton Local Plan Review (2015) and CS13 of the Local Development Framework Core Strategy (2015) and Section 4.7 of the Residential Design Guide SPD (2006).

#### 03. REFUSAL REASON - Affordable Housing

The proposed 'rent to buy' affordable housing offer fails to meet identified affordable housing need in Southampton.

Furthermore the application has not been supported by an approved viability model to indicate that units for social rent would make the scheme unviable. The

proposal is thereby contrary to policy CS15 of the City of Southampton Local Plan Review (2015) and Section 5 of the National Planning Policy Framework (2018).

04. REFUSAL REASON - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- (i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with Policies CS18, CS19, and CS25 of the Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013);
- (ii) In the absence of a mechanism for securing a (pre and post construction) highway condition survey it is unlikely that the development will make appropriate repairs to the highway, caused during the construction phase, to the detriment of the visual appearance and usability of the local highway network;
- (iii) In the absence of either a scheme of works or a contribution to support the development, the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.
- (iv) Submission of a tree replacement plan to secure 2:1 tree replacement and to secure a tree Replacement Off Site Contribution should any off-site replacements be required.
- (v) The provision of affordable housing in accordance with Policy CS15 of the Core Strategy;
- (vi) 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
- (vii) Employment and Skills Plan

46. **PLANNING APPLICATION - 18/01266/OUT - REAR OF 90 PORTSMOUTH 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.

Erection of 2x 3-bed detached houses, with associated parking and cycle/refuse storage (Outline application seeking approval for Access and Layout) (Amended description following amended plans)

Jerry White, Christopher Mansbridge and Julie Doncom (local residents objecting), Robin Reay (agent), and Councillor Payne (Ward Councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer detailed the numbers of responses to the application. It was also explained that the report had not shown that the site had a previous planning history. It was explained that in 1985 planning permission for the land had been refused as the applicant had not included details in regard to access for the site or given details of indicative design and scale of dwelling so impact on character and neighbouring amenities. The Panel expressed concerns relating the upkeep of the access way and the protection of bollards at the end of the access way leading to St Anne's Gardens and requested that conditions be amended as set out below.

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 unanimously.

**RESOLVED** that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegate to the Service Lead – Infrastructure, Planning and Development to grant planning permission subject to the planning conditions recommended in the report, and the amended or additional conditions set out below, and either a scheme of measures or a financial contribution 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.
- (iii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary conditions as necessary
- (iv) In the event that the contribution/agreement in regard to point 2. above 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 comply with the provisions of policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

**Additional and Amended conditions**  
**Amended Condition**

**16. Access route improvements [Pre-Occupation]**

Before the development is occupied, details of proposed improvements to the access route into the site, to include the following listed details shall be submitted to and approved in writing by the Local Planning Authority. Once approved the agreed details shall be implemented prior to first occupation and maintained as agreed thereafter in perpetuity.

- Access: The main vehicular access of the un-adopted road with Portsmouth Road shall be widened to 4.8m for a minimum of 6m (measuring from the adopted highway to the south) in order to provide a passing point for vehicles.
- Sightlines: Notwithstanding the submitted plan DMMason Engineering Consultants drawing M.097/2 revB works to secure sightlines including demolition of existing garden walls and erection of new garden walls and piers to be provided in order to secure sightlines of 2.4m x 90m.
- Resurfacing: A plan to show a resurfaced path along the un-adopted road to be submitted and agreed upon. This path should be practical and usable for wheelchair and pushchair users; and for refuse collection purposes.
- Lighting: The safety and security of the users of the access path shall be improved by addition lighting, details of which shall need to be submitted and approved.

REASON: To ensure the development improves the access route to the site in the interests of safety, security and convenience of access.

Note the landscaping plans should include the following:

- Driveways shall be constructed of non-migratory materials;
- Identify that no surface water from the site shall run onto the public highway; and
- A paved route of adequate width shall be provided to the bin and cycle stores from the front of the houses to the stores in the back gardens.

### **Additional Condition**

#### **28. Bollards [Performance Condition]**

The existing bollards (or similar replacement) at the southern end of St. Anne's Gardens/Portsmouth Road footpath, shall be maintained and retained for the lifetime of the development.

REASON: To prevent vehicular access from Saint Anne's Gardens along the unadopted and unclassified St Anne's Gardens/Portsmouth Road footpath and thus prevent the intensification of use of the access onto Portsmouth Road.

## INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 8<sup>th</sup> January 2019 - 6pm Conference Rooms 3 and 4, 1st Floor, Civic Centre

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	AL	DEL	15	18/00898/FUL Rileys – Church End
6	JF	CAP	5	18/01889/FUL 14 The Broadway

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:

AL – Anna Lee

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 3 2011-2031
  - (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) Cycling Strategy – Cycling Southampton 2017-2027
- (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) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

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)

# Agenda Item 5

## Planning and Rights of Way Panel 8<sup>th</sup> January 2019 Planning Application Report of the Service Lead- Infrastructure, Planning and Development

<b>Application address:</b> Rileys American Pool and Snooker, Church End, Southampton, SO15 3JE			
<b>Proposed development:</b> Demolition of existing building and redevelopment of the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping.			
<b>Application number</b>	18/00898/FUL	<b>Application type</b>	FULL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	15.01.2019 (Extension of time agreement)	<b>Ward</b>	Shirley
<b>Reason for Panel Referral:</b>	More than five letters of objection have been received	<b>Ward Councillors</b>	Cllr Chaloner Cllr Coombs Cllr Kaur
<b>Applicant:</b> Parnoso Limited		<b>Agent:</b> ECA Architecture & Planning	

<b>Recommendation Summary</b>	<b>Delegate to Service Lead – Infrastructure Planning and Development to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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### Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the policy allocation of the site, highway safety, residential amenity and the impact on the street scene 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 as set out in the report to the Planning & Rights of Way Panel on 8<sup>th</sup> January 2019. 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 SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, SDP22, HE4, HE6, CLT1, H1, H2, H7 and REI5 of the City of Southampton Local Plan Review - Amended 2015 policies CS4, CS5, CS6, CS7, CS13, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS23, CS24 and CS25 of the Local Development Framework Core Strategy (2015) and National Planning Guidance contained within the National Planning Policy Framework.

<b>Appendix attached</b>			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Parking Survey	4	Viability Assessment – DVS Findings

### **Recommendation in Full**

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 1 of this report.
2. Delegate to the Service Lead – Infrastructure, Planning and Development 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) Receipt of satisfactory tracking diagram and plans for refuse vehicles and layby.
  - (ii) 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).
  - (iii) 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;
  - (iv) 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.
  - (v) 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).
  - (vi) 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).
  - (vii) Financial contributions or other measures towards the Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), saved Policy SDP 12 of the City of Southampton Local Plan Review (as amended 2015), CS22 of the Core Strategy (as amended 2015) and the Planning Obligations SPD (September 2013).
  - (viii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. 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 and or failure to provide adequate refuse /servicing.

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

- 1.1 The site is a former snooker club which closed in Spring 2015, is currently vacant and has a poor visual appearance. The application site is located within Shirley Town Centre however, is set back from the main commercial frontage and is accessed via a narrow carriageway (Church End) positioned between locally listed Catholic Church of St Boniface (including its presbytery and church hall) and no.413 Shirley Road (an end of terrace property to a row of commercial uses within the secondary retail frontage of Shirley Town Centre). Access to the site can also be obtained via a narrow carriageway from Shirley Avenue positioned between Shirley Avenue Surgery (no.1 Shirley Avenue) and 1 – 10 Bright Glade Court. The site is not within a conservation area.
- 1.2 This site is wholly covered with buildings and hardstanding. The application site at present comprises a series of large units with a total floorspace of approximately 1080 sq m. The area to the north and east of the property is predominantly residential in character. Traditional two storey, semi-detached and detached dwellings characterise the residential roads of Cherry Walk, Gurney Road and Shirley Avenue immediately to the rear. There is however, a more recent flatted development at Bright Glade Court which fronts Shirley Avenue. This scheme was approved in 2010 (ref.10/00283/FUL) and comprises a part 2 / part 3 storey building providing accommodation in the form of 10 flats with no parking.
- 1.3 To the south, there are a series of large industrial units which appear to be used in conjunction with a car showroom fronting Shirley Road and have a secondary access from Church End with the main access from Shirley Avenue.

## **2. Proposal**

- 2.1 The proposal is for a development which steps up from two to four storeys in height providing 22 units with a mix of one and two bedrooms. The design is 'L' shaped fronting Church End and the parking area of 1 Shirley Avenue. At ground floor, seven flats are provided, including one two-bed unit. Integral refuse and cycle storage is provided adjacent to the rear boundary of the properties on Shirley Road. The remaining site area at ground floor is to be utilised for communal gardens as well as private space serving the front and rear of the ground floor flats.
- 2.2 At second floor, eight units are proposed, including two two-bed units. The third-storey of the building steps away from the rear of the properties fronting Shirley Road, to allow outlook for the residential accommodation above the commercial units. The third-storey element is also stepped back on the corner adjacent to the shared boundary with the properties at Cherry Walk by approximately a further three and half metres. Five units, including two no. two-beds, are proposed within the third storey as well as a recessed private terrace area for sole benefit for one of the flats. The other flat-roof areas on the building will have no direct access and will be utilised as green roof.
- 2.3 The top floor of the building is limited to an area adjacent to the boundary with 1 Shirley Avenue. This floor provides two no. two-bed units.
- 2.4 The scheme provides no parking in this highly sustainable location.

## **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 2.

- 3.2 Core Strategy policy CS3 (Town, district and local centres, community hubs and community facilities) states 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 is 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'. As this is a private club, its loss and the subsequent introduction of a residential use on site is not considered to amount to the loss of a community facility.
- 3.3 The level of development at 182 dwellings per hectare (dph) is in accordance with policy CS5 of the Core Strategy which sets out that "high densities should be limited to the most accessible areas, namely the city centre, areas close to and within Shirley town centre..." The policy defines high density as being over 100 d.p.h. Major developments in the city are also 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.

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

- 4.1 There has been a number of extensions to the property and signage applications but the most relevant site history relates to the following. In 2007, conditional approval (ref.07/01627/FUL) was granted for the erection of a 2m high enclosure and timber canopy to form a smoking shelter and new external door. In 1997, conditional approval (ref.970691/W), was granted for alterations to the front elevation.
- 4.2 A recent application for a similar development was withdrawn on 19.03.2018 for the demolition of existing building and redevelopment of the site to provide 19 flats (15 x 1, 3 x 2 and 1 x 3 bed) with associated car parking, bin, cycle storage and landscaping following officer concerns over highway safety due to parking, overall design and loss of privacy to neighbouring occupiers. This current scheme seeks to address the concerns previously raised.

#### **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 (15.06.2018) and erecting a site notice (15.06.2018). At the time of writing the report, 5 representations have been received from third parties including concerns raised by St Boniface in respect of parking and height. The following is a summary of the points raised:

## 5.2 ***Out-of-keeping***

### **Response**

The site lies in an area of a mix of commercial and residential uses which differ in the materiality and design. The use of a buff colour brick has raised an objection from the Council's Design Officer and, therefore, a condition securing a red/brown brick is recommended. However, no objection has been raised about the proposed height and design approach. Although the height is higher than some nearby residential properties, it is lower than the church and a similar height to Bright Glade Court. Furthermore, Local Plan Policy SDP9 is supportive of taller buildings in and adjacent to Shirley town centre. The design steps down at various points to respect the height of the neighbouring properties.

## 5.3 ***Impact on neighbours***

### **Response**

The two-storey element of the development is located approximately between 22 and 24 metres and at an oblique angle to the properties along Cherry Walk, which meets the Council's 21 metre guidance set out in the Residential Design Guide. The three-storey element is once again at an oblique angle, and is 25 and 27 metres to Cherry Walk, with no windows. Between the rear elevation of the neighbouring Cherry Walk properties and the side elevation of the building, the separation distances at two and three storey are 12.5 and 15 metres respectively which also accords with the Residential Design Guide standards. The distance from the rear of Bright Glade Court and the proposed development is 16.5 metres approximately and therefore complies with adopted guidance. The separation distance between the flank elevations of the proposal and 415 Shirley Road does not meet the guidance but the height of the proposal at this point is approximately 1.5 metres lower than the existing building, thereby resulting in an improvement on the existing situation.

- 5.3.1 The siting of the proposed buildings generally exceeds the separation distances set out in the adopted Residential Design Guide. These separation distances are required to protect the privacy, outlook and daylight to nearby residential properties. A shadow diagram has also been provided to demonstrate that the no detrimental overshadowing will occur to the neighbouring properties. The proposal is, therefore, considered to be acceptable in this respect.

## 5.4 ***Concern that the provision of no parking will lead to parking overspill***

### **Response**

The Council has adopted maximum car parking standards and the Parking Standards Supplementary Planning Document confirms that provision of less than the maximum parking standards is permissible subject to justification. In this case, the existing vehicular access into the site is poor and not suitable to serve residential parking. Furthermore, the location of the site within Shirley Town Centre means it benefits from good access to shops, services and facilities together with frequent bus links to the city centre and central train station. There are parking restrictions in the surrounding area which limit the possibility for over-spill car parking. A car parking survey and parking justification (**Appendix 3**) has been submitted by the applicant and concludes that the proposal would not result in an unacceptable competition for unrestricted on-street car parking spaces in the vicinity of the site. Furthermore, the Council's Highway Engineer has raised no objection to the application. With regard to comments that there could be

overspill parking into the adjacent church's car park, that is a matter for the diocese to control.

**5.5 Query why was the last application withdrawn and why does the current application proposes more flats that the last schemes**

**Response**

Officers raised concerns with the previous application in terms of the introduction of car parking and resultant highway safety issues, together with over-looking issues and design concerns. Therefore the scheme was withdrawn as officers advised the agent that the application was likely to be refused on the above basis. It is considered that the current proposal has addressed the previous concerns raised by officers and the removal of parking has freed up more space for residential accommodation.

**5.6 Query why is there no family housing proposed**

**Response**

Policy CS16 states that the provision of a family housing is dependent on *'the established character and density of the neighbourhood and the viability of the scheme'*. The supporting text of the policy sets out that, within areas of higher density, a lower proportion of family homes may be accepted. The application site is located within a high density area as defined by policy CS5 and, in this case, given the constrained and back-land nature of the site, and the highway safety issues associated with providing parking, smaller units with nil parking are considered to be more appropriate. In addition, there are already viability concerns relating to this development and smaller units are more marketable in this location. The mix of development (fifteen one-beds and seven two-beds) is, therefore, considered to be appropriate in this location.

**5.7 Inadequate notification**

**Response**

With respect to notifying/advertising planning applications the regulations require Local Authority's to undertake the following notification for major applications;

- Notify via letters all adjoining landowners – those who share a common boundary; or
- Place an advertisement in the paper; and
- Erect a site notice

In this instance, all these notifications were undertaken, including writing to 37 local residents. This exceeds the regulation requirements.

**Consultation Responses**

**5.8 SCC Highways – No objection**

5.8.1 Subject to conditions (See conditions 25 - 29). The refuse lay-by should be marked up to prevent parking of any vehicles except for the refuse vehicle and other servicing vehicles, tracking diagrams for the refuse vehicle are required, submission of a waste management plan. Standard euro bin and cycle storage conditions as well as securing the submission of a construction management plan.

5.8.2 The Transport Assessment is generally acceptable and does confirm the Council's stance in accepting the development as car-free due to its sustainable location. The proposed development is generally acceptable. However as Church End is quite narrow with little footway provision, in order to provide a better and safer environment for pedestrians/cyclist/wheelchair users, some resurfacing will

be requested as part of the Section 106 legal agreement. This is to help try formalise this section of Church End to be more of a home-zone/shared space and to help traffic calm this area.

5.9 **SCC Employment and Skills Team - No objection** An Employment and Skills Plan obligation will be required via the S106 Agreement.

5.10 **SCC City Design – No objection**

5.10.1 Subject to conditions securing a number of changes relating to material and landscaping (conditions 3 and 4).

5.10.2 The use of an 'oatmeal' colour brick in this location is out of keeping and given the setting within the largely Victorian/Edwardian suburb of Shirley is mainly characterised by red or brown shades of brickwork. There is very little evidence of lighter bricks in this area and the Design officer is unsure the colour sits that well with the red/brown of the locally listed church. With respect to the landscaping given the generally hard external urban setting, the internal courtyard garden should be much greener in character. It should more like a little Oasis. The paving in front of the building should include the refuse lay by so that it reads as one continuous surface. The side entrance for pedestrians next to the bin store, should be constructed with the same solid gate as the bin store, not an open railing as shown. Further details are required on the 'garden path' on the east boundary to ascertain if it is gated or not.

5.11 **SCC Housing** – As the scheme comprises of 22 dwellings in total the affordable housing requirement from the proposed development is 35% (CS15- sites of 15+ units = 35%). The affordable housing requirement is therefore 8 dwellings (7.7 rounded up).

Response

The scheme's viability with 35% affordable housing provision, has been questioned and tested by an independent expert. Further details are provided later in this report with the DVS findings attached at Appendix 4.

5.12 **SCC Sustainability Team – No objection** subject to conditions securing energy and water targets are to be secured. See conditions 17 and 18.

5.13 **SCC Environmental Health (Pollution & Safety) – No objection** subject to conditions securing dust suppression during demolition, a construction environment management plan, no bonfires (not secured as can be dealt with under separate legislation) and working hours. See conditions 29 - 30.

5.14 **SCC Environmental Health (Contaminated Land): No objection**

No objection subject to conditions to secure a contaminated land assessment and any required remediation measures. See conditions 14 -16.

5.15 **SCC Ecology – No objection**

5.15.1 Subject to conditions securing an ecological mitigation statement and protection of nesting birds. See conditions 17 – 20.

5.15.2 The site consists of a building and area of hard standing which have negligible intrinsic biodiversity value. The only substantive vegetation present on the site is on the roof however, it is not obvious what species are present. In general, the building is in sound condition and of a design that limits bat roosting opportunities. However, at the south-western end there are a number of slipped tiles and holes in the wall which provide bat roosting potential.

5.15.2 The area around the building has very low levels of vegetation and relatively high levels of artificial lighting including street lamps and security lighting on adjacent

buildings. As a consequence the habitat is of low suitability to bats and the Ecologist is of the view that, despite the potential access points, there is a negligible likelihood of bat roosts being present. However, as it is not possible to completely rule out the presence of bats due to their small size, the Ecologist would like the roof to be demolished by hand.

5.15.3 The existing flat roof may be attractive to nesting birds such as pigeons. All nesting birds receive protection under the Wildlife and Countryside Act 1981 (as amended). Care should therefore be taken with demolition which should ideally occur outside the breeding season which runs from March to August inclusive. If this is not possible, the roof should be inspected immediately prior to demolition however, if active nests are present demolition must be delayed until after the chicks have fledged. It is pleasing to see the inclusion of green roofs in the design however, the use of just sedum limits their biodiversity value. Therefore the Ecologist would like the sedum to be supplemented with a top dressing of an appropriate wild flower seed mix to be secured via the landscaping condition (condition 4). The provision of the green roof is secured by condition 24.

5.16 **SCC Flood Risk Officer – No objection subject to a condition**

Conditions 22 and 23 are suggested to secure a satisfactory drainage strategy in line with the details required by the Council's Flooding team.

5.17 **SCC Archaeology: No objection**

5.17.1 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). An archaeological desk-based assessment (DBA) has been submitted in support of this application, compiled mainly using data from the Southampton Historic Environment Record and historic maps. The DBA correctly identifies that the site has a moderate potential for prehistoric and Romano-British remains, and a low potential for other past periods before the 19th century. In particular, the site lies some 140m to the north of SOU 1577, an archaeological investigation at the site of the former Hendy Ford garage (now Selby Place, Shirley Road), which produced significant evidence of occupation dating from the Late Iron Age and Roman periods. The site also lies on Pleistocene River Terrace 3, the gravels of which have produced Palaeolithic artefacts. The DBA considers that 20th century development on the site will have had a significant destructive impact on any archaeological remains, with further impact from earlier agricultural / horticultural use; however this is currently unproven. Prehistoric, Romano-British and later archaeological remains, if present on the site, would be undesignated heritage assets under the National Planning Policy Framework.

5.17.2 There is potential for archaeology to exist on the site and conditions are suggested to address this including archaeological damage assessment and an archaeological investigation. See conditions 9 -12.

5.18 **Community Infrastructure Levy (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 floor area is to be used as deductible floor area 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.

5.19 **Southern Water – No objection.**

Suggests a condition (number 23) to secure details of the means of foul and surface water disposal.

5.20 **City of Southampton Society – Objection**

Object for the following reasons: the proposed building will be higher than Bright Glade Court and will affect the outlook from that complex. The number of dwellings, 22 flats on 0.12 hectares, will lead to overcrowding.

**6. Planning Consideration Key Issues**

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

- The principle of development;
- The effect on character;
- Residential amenity;
- Parking, highways and transport;
- Affordable housing and viability;
- Development mitigation: and
- Likely effect on designated habitats.

6.2 Principle of Development

6.2.1 As set out in paragraph 3.2 above, the application site lies within a town centre but is not safeguarded for any use, including a community use. Therefore, the redevelopment of the site should be assessed against its own merits in line with the policies set out in Appendix 2 of the report.

6.2.2 As detailed in Policy CS4 of the Core Strategy, an additional 16,300 homes need to be provided within the City between 2006 and 2026. The proposal would make efficient use of previously developed land to provide further homes to meet the demand. A residential density of 182 dwellings per hectare would be achieved, in accordance with policy CS5 of the Core Strategy, which confirms that high densities (in excess of 100 d.p.h) should be achieved in and adjacent to town centre locations to support local services and infrastructure and since the area offers a range of amenities, services, employment opportunities and good access to public transport.

6.2.3 Saved Local Plan policy H2 (Previously Developed Land) states that the use of derelict, vacant or underused land for residential development will be supported provided that all other material considerations are supported. The principle of development is, therefore acceptable, subject to an assessment of the other key issues set out below:

6.3 Effect on character

6.3.1 The design is simple with a brick construction which provides a clean, crisp finish. The building is articulated with brick patterning and variation in height. The success of the design will depend on the quality of the materials to be used and the finish of the development. Conditions 2 and 3 are recommended to try and secure a high-quality finish to the development. The external materials chosen for this development are brick, steel balustrades for the terraced areas and Juliette balconies and hardwood gates. Oriel bay windows are provided to prevent direct views onto neighbouring properties and this element will be secured by condition 7. The brick chosen currently is not in-keeping with the character of the area and condition 3 is imposed to secure a red/brown brick. However, brick is the correct finish in this location and would provide an attractive development.

- 6.3.2 In terms of scale, although to the east of the site is an area of two storey dwellings, the site itself lies adjacent to the taller St Boniface church and Bright Glade court, which is a three storey building set at a higher level, due to land level changes between the site and Shirley Avenue. It is clear from the sections provided that the development would be approximately half a metre taller than Bright Glade Court, so similar in height. Furthermore, SDP9 supports taller buildings in areas in and adjacent to Shirley Town Centre. The four-storey element of the development is limited to part of the site adjacent to Bright Glade Court with the rest of the development being two-storeys, stepping up to three-storeys away from site boundaries. As such, the scale of the development would not appear out-of-character and has not attracted an objection from the Council's Design Manager.
- 6.3.3 The site is currently covered in a 100% hardstanding/building and the proposed development would reduce this by providing a large communal area and landscaping at the boundary clearly visible from Church End. The proposed footprint is a reduction on the existing situation with mainly improved separation to the site boundaries. The current building is unattractive and is becoming dilapidated. The design chosen would provide an attractive living environment and improve the visual character. The provision of residential accommodation would introduce natural surveillance, creating an improved environment, over the existing un-welcoming experience and enhance the setting of the neighbouring locally listed church (in line with Local Plan Review Policy HE4).
- 6.3.4 Overall, subject to securing the details set out in conditions 2, 3 and 4 (see below), the development is considered to be well-designed, with adequate spacing between neighbouring buildings to enable the scale of development to be comfortably achieved. The proposal would take advantage of this accessible, underused and vacant site to achieve a development that would improve the quality of the area.
- 6.4 Residential Amenity
- 6.4.1 Overall, the layout of the development provides good outlook and access to daylight and sunlight for existing residents of the area and future residents of the development. The separation distances set out in the Council's Residential Design Guide are met and exceeded throughout both with respect to the proposed and existing properties. The separation distances, with regard to the existing neighbouring properties, exceed the guidance and are set out in paragraph 5.3 above. The main bulk of the development has views over the car park of the adjacent surgery. The taller flank wall of the development, adjacent to the Bright Glade Court, is limited in depth and, therefore, the neighbouring occupier's outlook would not be detrimentally harmed by the developments siting. The development steps down to two-storeys adjacent to Shirley Road, Church End and Cherry Walk and, therefore, would not cause detrimental outlook to neighbouring occupiers. The flank elevation adjacent to Shirley Road again is limited in depth reducing the impact further.
- 6.4.2 The main access to the development is from Church End adjacent to the entrance to the refuse and cycle storage. Many of the ground floor units have access to private patio areas which not only provide a useable outdoor space but also provide defensible space to prevent overlooking into the ground floor units when using the communal garden. In total 458 sq.m of useable amenity space would be provided which equate to 20.8 sq.m per flat in excess of the standards set out in the Residential Design Guide.

- 6.4.3 Overall, it is considered that the development is designed to provide a high-quality environment for future residents whilst ensuring a harmonious relationship with adjacent residential properties.
- 6.5 Highway Safety and Parking
- 6.5.1 As set out above, the development is designed with no on-site car parking. This is mainly because the vehicular access to the site, via Church end, is narrow and not suitable for additional residential car trips particularly as two way trips with pedestrians is not feasible. Given the location of the site, within a very sustainable location for both employment and transport, this is considered to be acceptable. The Council's policy is that the provision of less parking than the maximum standards set out can be permissible subject to justification. This justification has been provided by the applicant and furthermore, the Council's Highway Engineer is supportive of the proposal. Overall, the submission sets out that the possibility of harm arising from overspill car parking is limited due to restrictions in the area and having regard to on-street capacity. The lack of available parking space in the area will discourage occupiers from having a car. Furthermore, the amenity issue of lack of on-street parking is outweighed by the potential for highway safety implications if parking is provided and that the development brings the site back into use.
- 6.5.2 Adequate refuse and cycle storage have been provided and are to be secured by condition. The refuse will be collected via a layby on Church End and the refuse collection team have confirmed that they currently do access this route for collection purposes. A detailed Transport Assessment has been submitted with the application and adequately demonstrates that the proposal will have an acceptable impact on the highway network. As such, the Council's Highways and Transport Team have raised no objection to the application and the proposal is considered to be acceptable in this respect.
- 6.6 Affordable Housing and Viability
- 6.6.1 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 4.
- 6.6.2 The DVS report concludes that 'Our appraisal indicates that the scheme will achieve a profit level of approximately 15.8% on GDV which is at the lower end of the range generally required for the purpose of debt finance. It should be noted that the applicant's submitted appraisal shows that the scheme will achieve a profit on GDV of just 12.43% on a 100% open market basis which is below the level generally accepted for the purposes of securing debt finance'.
- 6.6.3 In conclusion, the DVS states that 'Factors affecting the viability of this scheme are the relatively low value nature of this location and lack of car parking for the proposed units which limits the achievable gross development value. The demolition and site clearance costs also have a slight detrimental impact on viability'.

6.6.4 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).

## 6.7 Development Mitigation

6.7.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works are to be secured via a Section 106 legal agreement with the applicant. These works will be resurfacing improvements in order to provide traffic calming and a pedestrian-priority environment to Church End from the Shirley Road to the Cherry Walk linkage. In addition the scheme triggers the Community Infrastructure Levy (CIL).

## 6.8 Likely effect on designated habitats

6.8.1 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 1**. 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 site.

## 7. Summary

7.1 This proposal would bring the vacant application site back into effective use, introducing residential use, which is encouraged in Town Centre locations. The principle of development can be justified in light of policy CS3 of the Core Strategy and highway safety, transport, design and residential amenity have been adequately addressed. The scheme does not deliver any affordable housing but remains policy compliant in this regard given the flexibility of Policy CS15 in respect of allowing a shortfall when evidenced through a tested viability appraisal. As such, the scheme fulfils the requirements of the NPPF.

## 8. Conclusion

8.1 It is recommended that planning permission is granted subject to a Section 106 agreement and the attached conditions.

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

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(c), 2(d), 2(f), 4(b), 4(f), 4(g), 4(vv), 6(b), 7(a), 8(a), 8(j), 9(a) and 9(b),

## **AL for 08/01/2019 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. Detailed Design (Pre-commencement Condition)**

With the exception of demolition and site clearance, prior to the commencement of development hereby approved, detailed designs, including plans of no less detail than 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority which provides the following:

- Window recesses;
- Window sills and lintels
- Brick bonding detailing;
- Fascia and eaves and;
- Roof parapets.

The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the design appearance of the dwellings are of a sufficient quality to preserve or enhance the character of The Canute Road Conservation Area.

#### **3. 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 (including the submission of details of a red/brown brick to substitute the oatmeal brick shown on the approved plans) 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.

#### **4. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme (including details of additional plants/shrubs other than shown on the approved plans) 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; pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications, details of native wildflower species for the proposed green roofs instead of sedum, schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. details of any proposed boundary treatment, including retaining walls and
- iv. 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, with the exception of means of enclosure which shall be retained for the lifetime of the development.

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

#### **5. Restricted use of flat roof area (Performance Condition)**

The roof area of the extension hereby approved, which incorporates a flat roof surface, shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining occupiers.

#### **6. No other windows or doors other than approved (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 windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

#### **7. Obscure Glazing (Performance Condition)**

All windows shown to be obscured glazed on the approved plans and the bedroom corner window at first floor on the south/east elevation shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

#### **8. Amenity Space Access (Pre-Occupation Condition)**

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

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

#### **9. Archaeological evaluation (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.

#### **10. 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.

#### **11. 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.

#### **12. 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.

#### **13. Demolition - Dust Suppression (Pre-Commencement Condition)**

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

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

#### **14. Land Contamination investigation and remediation (Pre-Commencement & Occupation Condition)**

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

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

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

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

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

#### **15. Use of uncontaminated soils and fill (Performance Condition)**

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

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

#### **16. Unsuspected Contamination (Performance Condition)**

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

the Local Planning Authority.

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

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

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

#### **17. Energy & Water (Pre-Commencement Condition)**

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 Adopted Core Strategy (Amended 2015).

#### **18. 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 Adopted Core Strategy (Amended 2015).

#### **19. Ecological Mitigation Statement (Pre-Commencement Condition)**

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures which, unless otherwise agreed in writing by the Local Planning Authority, shall be implemented in accordance with the programme with measures thereafter retained as approved.

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

#### **20. Protection of nesting birds (Performance)**

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981

(as amended) and the conservation of biodiversity

### **21. External Lighting Scheme (Pre-Commencement Condition )**

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

### **22. 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 first 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).

### **23. Drainage details (Pre-Commencement Condition)**

The development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure the provision of adequate drainage arrangements and to minimise flood risk.

### **24. Green roof specification (Pre-Commencement Condition)**

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a specification for the green roof is submitted and agreed in writing with the Local Planning Authority. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in

accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

### **25. Refuse management plan (Pre-Commencement Condition)**

Prior to commencement of the development hereby approved, a refuse management plan shall be submitted to and be agreed in writing by the Local Planning Authority which sets out refuse strategy for the movement of the euro refuse bins from the storage to a collection point and back to the internal storage areas. The collection point should be within 10m of either the public highway or the route of the refuse vehicle. The plans shall include keep clear signs within this area which shall be installed in accordance with the plans before the development first comes into occupation. The approved refuse management plan shall be implemented and adhered to at all time when the development is in residential use.

Reason: In the interests of highway safety.

### **26. Refuse & Recycling (Pre-Commencement Condition)**

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 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](mailto:waste.management@southampton.gov.uk)

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](mailto:Waste.management@southampton.gov.uk) at least 8 weeks prior to occupation of the development to discuss requirements.

### **27. Layby management plan (Pre-Occupation Condition)**

Prior to occupation a management plan shall be submitted to and be approved in writing by the Local Planning Authority setting out how the layby will be managed to be kept clear for deliveries and refuse collection only. The management plan shall include the installation and implementation of keep clear signs within this area. The measures set out in the management plan shall be implemented and installed in accordance with the plans before the development first comes into occupation.

Reason: In the interests of highway safety.

### **28. Cycle storage (Pre-commencement Condition)**

Notwithstanding the information already submitted no development shall commence until plans and elevational details of the secure, covered cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the agreed details prior to the first occupation of the dwellings hereby approved and thereafter retained for that purpose at all times.

Reason: To ensure an appropriate provision of cycle storage is made for future occupants of the site in accordance with saved policy SDP5 of the adopted Local Plan.

### **29. 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 Demolition and Construction Method Plan for the development. The 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 demolition and 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.

### **30. Hours of work for Demolition / Clearance / Construction (Performance Condition)**

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

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

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

And at no time on Sundays and recognised public holidays.

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

by the Local Planning Authority.

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

**31. 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.

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Application 18/00898/FUL

APPENDIX 1

## 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:	10 <sup>th</sup> September 2018
Application reference:	18/00898/FUL
Application address:	Rileys American Pool and Snooker, Church End, Southampton, SO15 3JE
Application description:	Demolition of existing building and redevelopment of the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage 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	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

yes, Applicant 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 (<a href="https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/">https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/</a>) 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.

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**Application** 18/00898/FUL

## **POLICY CONTEXT**

### Core Strategy - (as amended 2015)

CS3- Promoting Successful Places  
CS4- Housing Delivery  
CS5- Housing Density  
CS6- Economic Growth  
CS7- Safeguarding Employment Sites  
CS13- Fundamentals of Design  
CS15- Affordable Housing  
CS16- Housing Mix and Type  
CS18-Transport: Reduce-Manage-Invest  
CS19- Car & Cycle Parking  
CS20- Tackling and Adapting to Climate Change  
CS21- Protecting and Enhancing Open Space  
CS22- Promoting Biodiversity and Protecting Habitats  
CS23- Flood Risk  
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  
SDP5- Parking  
SDP6- Urban Design Principles  
SDP7- Urban Design Context  
SDP8- Urban Form and Public Space  
SDP9- Scale, Massing & Appearance  
SDP10- Safety & Security  
SDP11- Accessibility & Movement  
SDP12- Landscape & Biodiversity  
SDP13- Resource Conservation  
SDP14- Renewable Energy  
SDP15- Air Quality  
SDP16- Noise  
SDP17- Lighting  
SDP22- Contaminated Land  
HE4- Local List  
HE6- Archaeological Remains  
CLT1- Location of Development  
H1- Housing Supply  
H2- Previously Developed Land  
H7- The Residential Environment  
REI5- District Centres

### 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)

## TRANSPORT STATEMENT

Demolition of existing building and redevelopment of the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping. Former Rileys Snooker and Poole Hall, Church End.

**SO15 3JE.**

### **JPC Highway Consultants**

4 Apsley Crescent  
Poole BH17 7LX

Mobile: 07733 225871  
Telephone: 01202 764097  
Email: phil@jpchighwayconsultants.co.uk

Ref: 1843J v1.3

Date: 12 December 2018

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## **Introduction**

I act on behalf of Parnoso Ltd relating to redevelop the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping. Former Rileys Snooker and Poole Hall, Church End.  
**SO15 3JE.**

I am Philip Caseley, Managing Director of JPC Highway Consultants Ltd; I attained Incorporated Engineer status in 1996 with some 28 years experience in the highway engineering field.

## **Background**

- 1.1 The site has operated as a pool and snooker hall accessed from Church End.
- 1.2 A residential application was submitted in 2017 which sought to provide parking on site. On officer advice the application was withdrawn as it was considered that Church End had insufficient capacity for the vehicular movement proposed.
- 1.3 The Council have advised that the site is located in a central location in Shirley, defined in the Parking SPD as a 'High Accessibility Area'. Standards set out in the SPD are maximum parking standards. The existing D2 use comprises 992 sq. metres, with 7 spaces on site. This represents a shortfall of 7 spaces, in accordance with the standards which require 1 space/ 66 sq. metres.
- 1.4 The submission now seeks a car free development based on officer recommendations however a parking survey has been requested.
- 1.5 A parking survey seeks to assess the parking availability within a small radius however in this location parking in Church End is not permitted and would block the thoroughfare should parking occur. Shirley Road has parking available but is restricted during the day and would not normally be considered for residential parking. Limited parking could occur in Cherry Walk and spaces have been observed.

---

**Highway Data**

- 2.1 The site fronts Church End, a back lane of single vehicular width with traffic calming measures along its length linking Shirley High Street to the Lidl car park. There are no prospects to park along this length other than in the shortest of terms.
- 2.2 Shirley High Street has parking restrictions along its length limiting parking to one hour between 08:00 and 18:00 Mon – Sat. No return within one hour.
- 2.3 Cherry Walk was the only road which experienced small levels of available on street parking but this is very limited and has no restrictions.



- 2.4 Shirley Avenue has restricted parking between 08:00 & 18:00 restricted to 30 mins. Villiers Road opposite has restricted parking for some distance which then frees up to residential on street parking.
- 2.5 According to the accident records there have been no reported collisions in the area considered for residential parking.
- 2.6 There is a 30mph limit in force and there is street lighting in the vicinity.

---

**Highway Considerations**

- 3.1 The proposal seeks to provide 22 flats (15 one bed and 7 two bed). The previous application was asked to be withdrawn over safety concerns over the use of Church End and conflict between vehicles and pedestrians.
- 3.2 It was acknowledged that the area is suitable for car free design.
- 3.3 The maximum parking guidelines are not exceeded and is considered to be in line with policy.

**On Street Park**

- 3.4 In my opinion parking competition within the area does not exist as the area is controlled by parking restrictions however this does not make it available for resident as and when they need the space.

**Car Usage/Trip Generation**

- 4.1 I consider that there is no significant implication for road safety arising as a consequence of this scheme. On-site parking was provided as part of the previous scheme which led to other issues over road safety.
- 4.2 The LHA acknowledge the area is highly sustainable and appropriate for car free development. The fact that incoming residents would be aware of the lack of available parking would be a matter on which the decision to occupy the accommodation would be made let alone the cost price would reflect the lack of parking.
- 4.3 Shirley High Street operates as a high frequency bus route with links to many areas considered as good employment centres.
- 4.4 Visitors would not normally expect to park on site and there is available space nearby for the anticipated shortfall.

**Mitigating circumstances**

- 5.1 The surrounding area can accommodate on street parking for a limited shortfall and the shortfall of the existing should not be forgotten. The wider area away from the parking restrictions on Shirley High Street present parking options.

- 
- 5.2 The site is adjacent to a bus route and within cycling distance of the local centres being a likely destination for work.
- 5.3 The site has the capability of providing car parking however as per the previous application this leads to safety implications over the use of Church End which is outside this applicant's control.
- 5.4 A planning judgement will need to be taken bearing in mind the maximum parking guidelines have not been exceeded and there is an existing shortfall

### **Sustainability Issues**

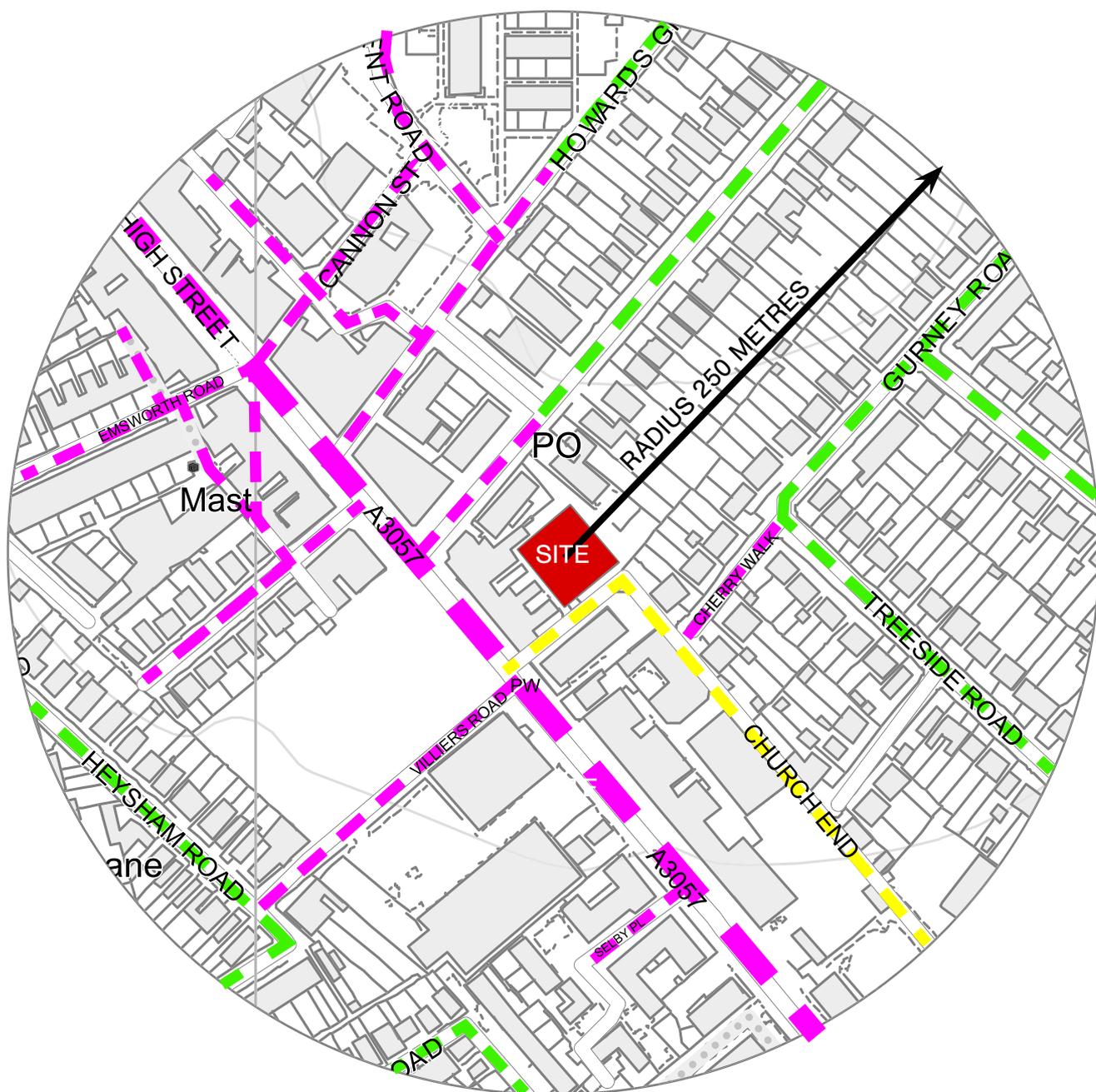
- 6.1 The site is adjacent to primary route of Shirley High Street carrying numerous bus services to a choice of end destinations but does not rely on being car free but seeks to reduce car ownership by restricting parking in line with the maximum standards.
- 6.2 I consider that this proposal is located in a highly sustainable location and even though reliance upon a car is anticipated for some residents those vehicles will be catered for within the area especially bearing in mind the shortfall from the existing site.

### **Summary & Conclusion**

- 7.1 The proposal seeks a redevelopment where there is an existing shortfall in parking using what has been described as an access with problems. A previous application was withdrawn under the advice of the LHA due to the concerns over the use of Church End.
- 7.2 The LHA agree that the area is highly sustainable and could be considered a car free area. Nevertheless parking in the immediate area is very limited due to parking controls which could resolve any issues should they arise.
- 7.3 The maximum parking standards have not been breached.

I trust this allays the fears of the Local Highway Authority however if they require any further clarification please do not hesitate to contact me on the number above.

# RILEY'S PARKING SURVEY



KEY:

- 1. Application site
- 2. 250m radius from the site
- 3. Church End- parking not permitted due to narrow thoroughfare
- 4. Restricted parking areas- either single, double yellow lines or restricted to 30 mins/1 hr in the day
- 5. Parking unrestricted. Some spaces available on-street

Simon Mackie  
Planning Agreements Officer  
Infrastructure Planning and Development Service  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

Southampton Valuation Office  
2<sup>nd</sup> Floor Overline House  
Blechynden Terrace  
Southampton  
Hampshire. SO15 1GW



Date : 9<sup>th</sup> November 2018

Dear Simon,

### **REVIEW OF DEVELOPMENT VIABILITY ASSESSMENT**

**ADDRESS: Rileys American Pool and Snooker Church End, Southampton.  
SO15 3JE**

**APPLICATION REF: 18/00898/FUL**

I refer to your email dated 25<sup>th</sup> September 2018 confirming your formal instructions for DVS to carry out a viability assessment in respect of the proposed development at the above address.

I understand that this viability assessment is required following a full planning application (ref: 18/00898/FUL) to demolish the existing detached property and redevelop the site to provide a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping.

This report is not a formal valuation.

The date of assessment is 9<sup>th</sup> November 2018.

We have reviewed the assessment provided by Jones Lang Laselle on behalf of the applicant Skymark Properties Limited.

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], 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. The assessment has also been overseen by [REDACTED]

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:**

The application site is located on the western side of Church Lane in the Shirley District of Southampton. Church Lane is accessed off Shirley High Street, which is the main retail area in Shirley. The subject site occupies an “infill” position extending to approximately 0.16 hectares (0.41 acres) and is bordered by retail to the west, Church Lane to the South, a surgery to the east and residential apartments to the north. This convenient and desirable location is within easy reach of Southampton city centre and main train lines at Southampton central (1.6 miles).

The site is currently occupied by a single large detached and interlinked single storey warehouse with almost 100% site coverage. The subject property was originally constructed in the late 1960s with painted rendered elevations beneath pitched asbestos roofs.

The applicant is stating that following their assessment, the scheme with no affordable housing but with CIL contributions of £125,949 is not viable. Their submitted appraisal shows that the proposed scheme will produce a developer profit of 12.43% on Gross Development Value on a 100% open market basis and therefore any contribution for affordable housing can only be made with substantial levels of Affordable Housing Grant.

**The Scheme:**

This application is seeking full planning consent to demolish the existing building and erect a a part two, part three, part four storey building comprising of 22 flats (15 x 1, 7 x 2 beds) with associated bin/refuse, cycle storage and landscaping.

The schedule of accommodation is as follows:

<b>Floor</b>	<b>Type</b>		<b>Area (m<sup>2</sup>)</b>
Ground Floor	2 bed apartment	2	61.60
	1 bed apartment	1	37.60
	1 bed apartment	1	37.60
	1 bed apartment	1	37.00
	1 bed apartment	1	38.30
	1 bed apartment	1	37.10
	1 bed apartment	1	37.30
	2 bed apartment	2	61.60
	1 bed apartment	1	37.60
	1 bed apartment	1	37.60
	1 bed apartment	1	37.00
	1 bed apartment	1	38.30
	1 bed apartment	1	37.10
	1 bed apartment	1	37.30
First Floor	2 bed apartment	1	70.80
Second Floor	1 bed apartment	1	37.60
	1 bed apartment	1	37.60
	2 bed apartment	1	63.40
	1 bed apartment	1	37.00
	2 bed apartment	1	61.60

Third	2 bed apartment	1	61.60
	2 bed apartment	1	77.20
<b>TOTAL</b>		<b>22</b>	<b>1,019.80</b>

In addition, the scheme will provide;

- Landscaped garden area
- bin/refuse and
- cycle storage.

We are informed that the gross internal area (GIA) for the proposed block will be 1,251.60 m<sup>2</sup> against a net saleable area of 1,019.80 m<sup>2</sup>. This equates to a net – gross ratio of approximately 81.48% which is at the mid end of the range that we would expect to see for this type of development.

### **Viability Assessment:**

This assessment has been undertaken following our own detailed research into both current sales values and current costs. In some cases we have used figures put forward by the applicant if we believe them to be reasonable. The applicant has not provided a 'live' version of their Argus appraisal, but we have referred to their PDF version and written report.

For the purpose of this assessment we have assumed that the areas provided by the applicant are correct.

We have used a copy of the HCA EAT Appraisal toolkit to assess the proposed scheme and have attached a summary at Appendix 1.

We would summarise our assessment of the scheme as follows:

### **1) Development Value -**

#### **a) Private Residential:**

The applicant has provided a range of comparable sales evidence of both existing and new build properties within the vicinity to substantiate their proposed figures.

On the basis of open market values, the applicant has adopted the following:

Unit Type	Average sales value	Average rate per sq.m
1 bed apartment	£125,000	£3,324.47
2 bed apartment	£160,000	£2,446.48

We have undertaken our own research and have utilised our database of land Registry transactions, as well as Rightmove, and consider the values suggested by the applicant for the units to be within the range we would expect to see.

**b) Affordable Housing:**

We understand that CS15 of the Councils Core Strategy requires new developments within the City to include 35% affordable housing, tenure split; 65% affordable rented and 35% shared ownership. At this stage we have not modelled any affordable housing on site.

**c) Ground Rents:**

On the basis that the apartments are sold on a long leasehold basis, we would expect an income from the sale of the ground rents.

The applicant has not included anything for ground rents but we have included the following:

1 beds	£150 per unit per annum
2 beds	£200 per unit per annum

We have capitalised these figures using a 5% yield which is approximately what would expect to see when compared with other similar 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 income is excluded from this scheme then this may affect our viability assessment.

**d) Total Development Value:**

Our total Gross Development Value (GDV), compared to the applicant's, is outlined below;

	<b>Applicant</b>	<b>DVS</b>
Private Residential	£3,015,000	£3,015,000
Ground Rents	£0	£73,000
<b>Total</b>	<b>£3,015,000</b>	<b>£3,088,000</b>

**2) Development Costs -**

**a) Build Cost:**

For the purpose of their assessment the applicant has not provided a detailed cost estimate from a firm of Chartered Quantity Surveyors but has instead relied upon the BCIS cost guide to estimate the construction costs.

### Base Build Cost

The applicant has adopted a base construction rate of £1,302 per m2 which is broadly in line with the current BCIS lower quartile figure for a 3 - 5 storey block adjusted for this location. Taking account of the lower value nature of the location we consider this to be an appropriate rate for this scheme.

### External Works

Whilst the BCIS cost includes for site preliminaries and contractors overheads and profit, it does not include for external works costs.

The applicant has included a total of £81,506 for all landscaping, boundary fencing and all external drainage and services which equates to approximately 5% of base build costs and is also considered reasonable for the subject scheme.

Overall, our base build cost and external works costs total £1,711,618 in line with the applicant's submitted figure.

#### **b) Abnormal Build Costs:**

There is currently a large single storey warehouse building extending to 993 m2 which is has recently been used as a Snooker hall and premises which will need to be demolished. The applicant has included £25,000 for demolition costs which is considered to be reasonable for this building.

#### **c) Build Contingency**

The agent, in their appraisal, have included for a build contingency at 5% of base build cost, including external works which is what we would expect to see and we have therefore included the same rate in our appraisal.

#### **d) Professional Fees**

The applicant, in their report, have included professional fees at 8% of base build costs which is typically what we would expect to see for development sites of this size and we have therefore included the same in our appraisal.

#### **e) Section 106 payments and Community Infrastructure Levy (CIL)**

The applicant has included CIL contributions of £125,949 in their appraisal plus an estimated £55,000 for S.106 contributions. We are informed by you that the following contributions will be required for the scheme:

<b>Planning Obligations (Direct Cost)</b>	<b>Detail</b>
Affordable Housing	35% (subject to Vacant Building Credit )
Highways/Transport	£33,000 (approx.)
Solent Disturbance Mitigation Project	£8,464
CIL	£125,949 (approx.)
Employment & Skills Plan	£8,030
Carbon Management Plan	£3,755 (max)

We have included the contributions as set out in the table above within our appraisal. Overall our total S.106 costs are £53,249 which is very close to the applicant's estimated total.

**f) Sales and Marketing fees**

The applicant has included for agent sales fees, marketing costs and legal sales fees totalling 1.75% of gross development value as follows:

Marketing	0.5%
Agent Sales fees	1%
Legal Sales fees	0.25%

This is within the range that we would expect to see when compared with other similar schemes we have assessed in this location albeit at the lower end of the range.

**g) Finance costs**

The applicant has adopted finance costs at a rate of 6.25% to include all fees which again is considered reasonable and in line with other recent schemes we have assessed.

Development Programme:

The development timeframe adopted by the applicant is as follows:

- Pre-construction period of 4 months
- Build Period of 12 months
- Sale period of 10 months beginning upon practical completion.

We consider this to be an appropriate timescale and have adopted the same within our appraisal.

**h) 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 agent, in their appraisal, has indicated a developer profit of 20% on GDV but we consider 17.5% to be sufficient for this smaller scale development. This level of profit is in line with other recent agreements for similar types of scheme within Southampton.

**i) 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 of the site taking account of the latest NPPF guidance and the RICS Guidance note, Financial Viability in Planning, 1<sup>st</sup> edition.

The site is currently occupied by an interlinked single storey warehouse originally built in the 1960s. Our office records show that it extends to approximately 993 m2.

In their report the applicant has adopted a benchmark land value of £310,000 stating that this represents the current existing use value of the property in-situ. This figure is based on comparable sales evidence from other similar properties within secondary location in Southampton.

We understand that the subject property was sold by way of public auction in September 2014 for £250,000 on an unconditional basis and is considered to be the best reflection of value for the property at that time. Whilst we consider there may have been some increase in value of the site, we would estimate the current existing use value to be in the region of £250,000 - £300,000, say £275,000 on the basis that it can be occupied with minimal repair or expense. Available comparable evidence of other similar properties appear to support this level of value.

However, we understand that the building is actually derelict and in poor internal repair and therefore in order to maintain the ongoing existing use a significant amount of work and expenditure will be required. At this stage the extent of work is unknown but for the purpose of this assessment we have assumed a cost of approximately £50,000 would be required in order to reinstate it for ongoing existing use. This effectively reduces the existing use value to approximately £225,000.

In line with RICS Guidance and the updated NPPF, a seller incentive of between 15% and 20% is appropriate and taking account of this, we consider a benchmark land value of £258,750 to be reasonable with the addition of a 15% incentive. We have therefore adopted this figure in our appraisal for the purposes of viability testing.

In addition, we have included for SDLT fees at the current rate together with agents and legal fees at 1.8%.

### **Overall assessment:**

Following our desktop research and assessment we are of the opinion that a 100% private scheme incorporating a site value of £258,750 with CIL contributions totalling £125,949 is not viable and cannot provide any contribution towards affordable housing. Our appraisal shows a deficit figure of -£43,701 (see Appendix 1).

The applicant's submitted viability report is reasonably well evidenced and we broadly agree with many of their figures. The minor differences between our figures are as follows:

- S.106 Contribution
- Developer profit
- Benchmark land value

Our appraisal indicates that the scheme will achieve a profit level of approximately 15.8% on GDV which is at the lower end of the range generally required for the purpose of debt finance.

It should be noted that the applicant's submitted appraisal shows that the scheme will achieve a profit on GDV of just 12.43% on a 100% open market basis which is below the level generally accepted for the purposes of securing debt finance.

Factors affecting the viability of this scheme are the relatively low value nature of this location and lack of car parking for the proposed units which limits the achievable gross development value. The demolition and site clearance costs also have a slight detrimental impact on viability.

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.

We consider that it would be reasonable in these circumstances to require the applicant to enter into an agreement to build the site to core and shell within 18 months. If they had not achieved this within the timeframe then a second viability assessment would take place giving the Council the opportunity to achieve a contribution if the viability had improved.

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 if required.

Prepared by

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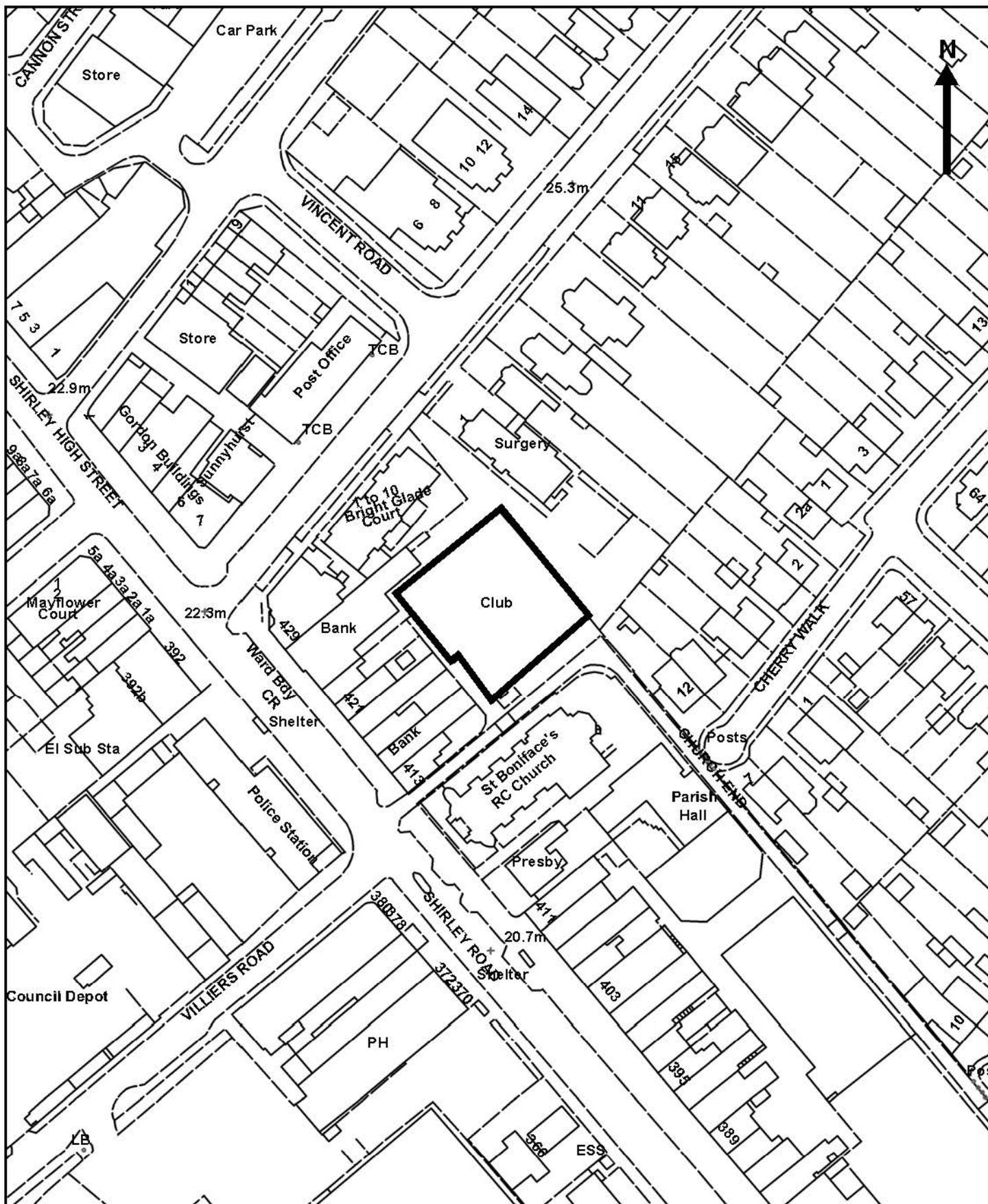
Reviewed by

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**Appendices**

Appendix 1 – 100% Open Market Appraisal

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# Agenda Item 6

## Planning and Rights of Way Panel 8<sup>th</sup> January 2019 Planning Application Report of the Service Lead - Infrastructure, Planning and Development

<b>Application address:</b> 14 The Broadway, Portswood Road			
<b>Proposed development:</b> Application for variation of conditions 4 (Hours of operation) and 10 (Internal drinks consumption/use of tables and chairs) of planning permission 18/01085/FUL to extend opening hours from 11:00-23:00 (Mon-Sun) to 07:00 - 23:00 Monday to Wednesday, 07:00 - 24:00 Thursday to Saturday, 09:00 - 23:00 Sunday/Public holidays and to form outside seating area.			
<b>Application number:</b>	18/01889/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	John Fanning	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	11.12.2018	<b>Ward:</b>	Portswood
<b>Reason for Panel Referral:</b>	Request by Ward Member	<b>Ward Councillors:</b>	Cllr Mitchell Cllr Claisse Cllr Savage
<b>Referred to Panel by:</b>	Cllr Claisse	<b>Reason:</b>	Excessive late opening hours would lead to noise and disturbance for local occupiers. Outside seating would risk anti-social behaviour and block pavement.
<b>Applicant:</b> Mr Neil Davis c/o The Crafty Fox		<b>Agent:</b> Advoco Planning Limited	
<b>Recommendation Summary</b>		<b>Conditionally approve</b>	
<b>Community Infrastructure Levy Liable</b>		<b>Not applicable</b>	

### 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 - SDP1, SDP7, SDP9, SDP10, SDP16, CLT15, REI4, REI5, REI7 and REI8 of the City of Southampton Local Plan Review (Amended 2015), CS3, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the relevant sections of the Parking Standards Supplementary Planning Document (2011).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History
3	Surrounding sites		

## **Recommendation in Full**

### **Conditionally approve**

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

1.1 The site is located on the corner of Portswood Road and Westridge Road in the heart of Portswood District Centre. The site comprises a 2 storey building which fronts Portswood Road. The ground floor was formerly occupied (until late 2017) as a coffee shop.

1.2 The area surrounding the site compromises a mix of commercial and residential uses. More specifically, Portswood Road features a mix of two and three storey properties with a selection of different commercial uses at ground floor level, often with residential above. Westridge Road is residential in nature.

#### **2. Proposal**

2.1 Consent was recently granted on the site for the use of the premises as an A4 (drinking establishment) use. A number of conditions were imposed on this consent, including limiting the hours of use (11:00 – 23:00, Mon-Sun) and restricting against external seating. A more recent application sought a variation of the hours of use to allow earlier opening (07:00 - 23:00, Mon-Sun) which was considered by Panel and granted on 05.09.2018 (LPA ref: 18/01085/FUL)

2.2 The current application seeks a further variation of this consent to allow later opening hours:

Monday-Wed 07:00 - 23:00 – No change

Thur-Sat 07:00 - 00:00 – An additional hour

Sun and public holidays 09:00 - 23:00 – A reduction of 2 hours in the morning

2.3 The application also seeks variation of a condition which restricts outside seating, and the applicant proposes an alternate condition restricting the hours of use in line with a submitted plan and requiring external seating to cease at 21:00.

#### **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.

#### **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 application is submitted to vary the conditions originally imposed on application 18/00035/FUL which granted consent for the use of the premises as a pub (Class A4) and other minor alterations to the building. The conditions of this consent have been previously varied as part of application 18/01085/FUL, allowing earlier opening hours. A separate application has been granted for the use of the first floor as a 3-bed flat (18/01317/FUL). At the time of writing there is also a pending advertisement application relating to the upper floor of the building (18/02102/ADV).

#### **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 (**26.10.2018**). At the time of writing the report **4 representations** have been received from surrounding residents, including a Panel referral by Ward Cllr Claisse. The following is a summary of the points raised:

5.2 *The surrounding area contains a mix of both commercial and residential at first floor and in the surrounding area. Later opening would exacerbate existing noise and activity associated with the commercial centre and the impacts on nearby residential occupiers.*

##### **Response**

The proposed variation would allow an additional 1 hour of opening, on Thurs-Sat, allowing the premises to trade until midnight. The district centre has an active mix of different uses with a variety of opening times. As outlined in **Appendix 3** the Council has allowed a number of premises with various degrees of midnight opening in the surrounding area, some restricted to certain days of the week and some with full time midnight opening, including applications considered by Panel and allowed at appeal following refusal.

On balance it is not considered that the additional opening hour would result in a material change in the level of activity above the existing and, therefore, this impact on the character of the area and amenity of local residents would not be so great as to be harmful.

5.3 *External seating would cause an obstruction of the public highway and increase potential noise impact.*

##### **Response**

It is noted that the public highway falls outside of the red line of the application site and remains within the power of the Local Authority to control in terms of licensing.

5.4 *Late night uses would be more appropriately located in the city centre, with the district centre being reserved for shopping and other local services.*

##### **Response**

Policy REI5 of the Local Plan encourages a mix of different uses in district centres, including Class A4 uses and other uses encouraging social activities.

5.5 *Potentially sets a precedent for other uses in the local area to extend opening hours.*

### **Response**

Each case will need to be considered on its individual merits. It is noted that a number of premises within the existing district centre operate under historic consents without restrictions on opening hours under the Planning legislation or have already been granted similar hours.

### **Consultation Responses**

5.6 **Ward Cllr Claisse** – The later opening hours would be excessive, leading to noise and disturbance. The external seating would allow drinking on street, block the pavement and risks anti-social behaviour.

5.7 **Highways** – No objection.

5.6 **Environmental Health** – No objection.

5.7 **Police** – No objection.

### **6.0 Planning Consideration Key Issues**

6.1 The application proposes two main elements:

- Variation of condition 4 to extend hours of operation on Thurs-Sat
- Variation of condition 10 to allow restricted external seating

#### **6.2 Hours of operation**

6.2.1 The application results in an extension of the existing hours of use by 1 hour from 11PM to midnight on Thursday-Sat. The site falls within the defined district centre, on the corner of Westridge Road. The surrounding area is a mix of commercial frontages, with some residential at first floor level. The wider surrounding area is residential in nature. Policy CS3 actively promotes district centres as successful places and encourages community uses within these centres. The Council does not have a policy which stipulates specific opening hours within the district centre as it does with the city centre through the City Centre Action Plan.

6.2.2 The additional hours will increase the associated impacts of the development until midnight on the 3 days.

6.2.3 There are a wide range of different uses in the district centre, including a mix of retail premises and a number of later opening uses such as restaurants and pubs. Broadly, it is not considered that the limited additional impact of the additional hours on the specific days proposed will have a substantially harmful impact on the amenities of neighbouring occupiers. There is a balance to be struck in terms of the associated impacts of the commercial centre and the facilities and amenities on offer for local residents. The applicant has sought a number of variations to the originally submitted scheme and the Planning department considers that the proposed hours represent a suitable compromise between these interests and would likely not support further extension beyond midnight.

### 6.3 External seating

6.3.1 The applicant has proposed a variation of the condition to restrict the hours during which external seating is allowed. The existing condition reads as follows:

*“Internal drinks consumption/use of tables and chairs*

*At no time shall drinks bought on the premises be taken outside for consumption and at no time shall tables and chairs be placed on the public highway associated with the permission hereby granted.*

*Reason: To protect the amenities of the occupiers of nearby residential properties, the appearance and accessibility of the area; and to prevent drinking alcohol on Portwood High Street.”*

6.3.2 The applicant seeks to amend the condition to read as follows:

*“Outside seating shall be restricted to the area shown in the approved licensing plan and shall cease at 2100 hrs daily, whereupon all tables and chairs shall be removed or otherwise made incapable of use.”*

6.3.3 It is questionable whether the current planning condition is necessary because the pavement is public highway (not privately owned) and the placing of seats and tables on the public highway requires a separate licence over which the Council has full control. As such it may fail the tests required of conditions laid out in the National Planning Policy Framework.

6.3.4 As the area around the site falls outside of the red line of the application and serves as public highway a planning condition would not be enforceable. As stated, the land falls within the control of the Council who could choose to pursue enforcement action in relation to an unauthorised siting of tables and chairs through non-planning powers.

6.3.5 The management of public highway for the siting of tables and chairs associated with business premises is normally handled through a licensing process, overseen by the Council. Given the above, the planning department is of the opinion that the best solution going forward would not be to vary the condition but rather to remove the condition entirely, with management of external tables and chairs still falling within the remit of the Councils licensing process to manage.

## 7. Summary

7.1 The additional hours are considered to represent the maximum acceptable opening hours taking into account the particular context of the application site and its relationship with the district centre and surrounding properties. It is not considered that the external seating condition is necessary given the specifics of the application and as such is recommended to be removed.

## 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)(d), 4(f)(vv), 6(a)(b)

**JF for 08/01/19 PROW Panel**

**PLANNING CONDITIONS**

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use  
The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

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

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

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

3. APPROVAL CONDITION - Control of Amplified Equipment [Performance Condition]  
At no time shall sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest residential property to the building to which the consent hereby granted relates unless otherwise agreed in writing with local Planning Authority.

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

**4. APPROVAL CONDITION - Hours of Operation [Performance Condition]**  
**The A4 'drinking establishment' to which this permission relates shall only operate in accordance with the following hours:**

<b>Monday-Wed</b>	<b>07:00 - 23:00</b>
<b>Thur-Sat</b>	<b>07:00 – 00:00</b>
<b>Sun and public holidays</b>	<b>09:00 – 23:00</b>

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

5. APPROVAL CONDITION - CCTV system [Pre-Occupation condition]  
The CCTV equipment details outlined in 18/01804/DIS shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason: In the interests of crime reduction and customer/staff safety.

6. APPROVAL CONDITION - Servicing [Pre-Occupation Condition]  
The servicing of the site will be undertaken in accordance with the details laid out in 18/01804/DIS and shall continue as such hereafter.

Reason: To protect the amenities and privacy of occupiers of the adjoining properties, to protect the highway surface and in the interests of highways safety.

7. APPROVAL CONDITION - Glass Storage [Performance Condition]

Except for on bin collection day no storage of glass (for recycling purposes) shall take place outside of the building. Glass collection shall also not take place between the hours of 20:00 and 9:00.

Reason: To protect the amenities of occupiers of the adjoining property.

8. APPROVAL CONDITION - Ancillary Snack Foods [Performance Condition]

The development hereby approved shall only serve snack foods as an ancillary service to the drinking establishment. The food may be heated via a domestic scale oven only and all food must be for consumption on the premises. The food must not be prepared, cooked or fried on site and the kitchen must not be installed with any equipment requiring ventilation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours and the wider environment.

9. APPROVAL CONDITION – Refuse management [Pre-Occupation Condition]

Refuse management for the premises shall be undertaken in accordance with the details outlined in 18/01804/DIS and continued as such hereafter.

Reason: To protect the amenity of the local area.

**10. Internal drinks consumption/use of tables and chairs – DELETED**

**At no time shall drinks be bought on the premises be taken outside for consumption and at no time shall tables and chairs be placed on the public highway associated with the permission hereby granted.**

**Reason: To protect the amenities of the occupiers of nearby residential properties, the appearance and accessibility of the area; and to prevent drinking alcohol on Portswood High Street.**

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
SDP17	Lighting
CLT15	Night Time Uses in Town, District and Local Centres
REI4	Secondary Retail Frontages
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

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**

18/00035/FUL, Proposed change of use of the ground floor from coffee shop (A1 use) to drinking establishment (micro pub)(Class A4) and installation of 6 retractable awnings - submitted in conjunction with 18/00036/ADV  
Conditionally Approved, 04.06.2018

18/00036/ADV, Installation of 1 x externally illuminated hanging sign, 5 non illuminated awnings and 7 non illuminated window vinyls - submitted in conjunction with 18/00035/FUL  
Conditionally Approved, 27.04.2018

18/01085/FUL

Application for variation of condition 4 (Hours of Operation) of planning permission ref: 18/00035/FUL to extend opening hours to 07:00 - 23:00 on any day  
Conditionally Approved 05.09.2018

18/01317/FUL, Conversion of first floor into a 3-bed flat  
Conditionally Approved, 20.09.2018

18/01804/DIS

Application for approval of details reserved by conditions 5 (CCTV), 6 (Servicing) and 9 (Refuse Management) of planning permission 18/01085/FUL.  
No objection 20.11.2018

18/02102/ADV, Installation of a 1 x non illuminated high level wall mounted sign to first floor side (north) facing elevation.  
Pending

**Surrounding sites**

5-6 Portswood Centre

07/02055/VC

Variation of Condition 3 of planning permission (reference 04/00210/FUL) to vary opening hours from 09:00am and 23:30 (Monday to Saturday) and 09:00am and 23:00 (Sundays) to 9.00am to 00.00 midnight every day of the week.

**Refused, Allowed at appeal**

*No customers shall be on the premises of the use hereby permitted outside of the following times: Sundays to Saturdays 09.00 hrs to 00.00 hrs.*

170 Portswood Road

17/01414/FUL

Proposed change of use from shop (Class A1) to restaurant/takeaway (Class A3/A5) (with associated extraction flue)

*04. Hours of Opening (Performance)*

*The use hereby permitted shall not be open to customers outside the following hours:*

*Monday to Saturday 08.00 to 00.00 hours*

*Sundays and Public Holidays 10.00 to 23.00 hours*

*Reason:*

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

110 Portswood Road

16/00110/FUL

Application for external alterations to facilitate installation of staircase to rear elevation, and to extend opening hours to 10:00-23:00 Sunday to Thursday and 10:00-00:00 Friday And Saturday

*APPROVAL CONDITION - Hours of Use [Performance Condition]*

*The premises shall not operate outside of the following hours unless otherwise agreed by the Local Planning Authority:*

*Sunday to Thursday - 10:00 hours to 23:00 hours*

*Friday to Saturday - 10:00 hours to 00:00 hours*

*Reason:*

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

13/00976/FUL

Change of use from Class A1 (Hairdressers) to Class A3/A5 (Restaurant/Hot Food Takeaway) including alterations to the rear elevation and provision of kitchen extract flue. (Resubmission of 13/00629/FUL).

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

*The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Friday 11.00 hours to 22.00 hours (11.00am to 10.00pm)*

*Saturday 11.00 hours to 00.00 hours (11.00am to 12.00 midnight)*

*Sunday and recognised public holidays 11.00 hours to 22.00 hours (11.00am to 10.00pm)*

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

*Reason:*

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

#### 21 Portswood Road

15/02018/FUL

Change of use from A1 (shop) to A4 (drinking establishment) to establish a new Micropub

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

*The drinking establishment hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Sunday 11.00 hours to 00.00 hours (11.00am to 12.00 midnight)*

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

#### 112 Portswood Road

15/01837/FUL

Change of use from B1 office to A3 restaurants and cafes.

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

*The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Friday 11.00 hours to 22.00 hours (11.00am to 10.00pm)*

*Saturday 11.00 hours to 00.00 hours (11.00am to 12.00 midnight)*

*Sunday and recognised public holidays 11.00 hours to 22.00 hours (11.00am to 10.00pm)*

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

*Reason:*

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

14/01196/FUL

Internal alterations to facilitate change of use from retail (class A1) to restaurant/cafe (class A3) operating in association with existing restaurant at 110 Portswood Road

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

*The food and drink uses / drinking establishments hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Friday 11.00 hours to 22.00 hours (11.00am to 10.00pm)*

*Saturday 11.00 hours to 00.00 hours (11.00am to 12.00 midnight)*

*Sunday and recognised public holidays 11.00 hours to 22.00 hours (11.00am to 10.00pm)*

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

*Reason:*

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

253 Portswood Road

14/01981/FUL

Variation of Condition 4 of planning permission reference 13/01745/FUL to allow the restaurant/cafe premises to open between 0700 hours and midnight on any day.

*APPROVAL CONDITION - Hours of business*

*The ground floor A3 unit hereby approved shall not be open for customers outside the following hours: 0700-0000 (midnight) Monday to Sunday and recognised public holidays.*

*Reason:*

*In the interests of protecting residential amenity*

114-116 Portswood Road

14/01449/FUL

Change of use of existing shop (Class A1) to a Restaurant/Hot Food Takeaway (Class A3/A5) and Financial and Professional Services unit (Class A2) with associated works.

*APPROVAL CONDITION - Hours of Use [Performance Condition]*

*The A1 and A3/A5 uses hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Sunday and recognised public holidays 07.00 hours to 00.00 hours (7.00am to Midnight)*

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

14/00975/FUL

Change of use from class A1 retail to class A3 cafe with associated works.

*APPROVAL CONDITION - Hours of Use [Performance Condition]*

*The A1 and A3/A5 uses hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Sunday and recognised public holidays 07.00 hours to 00.00 hours (7.00am to Midnight)*

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

*Reason:*

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

Unit 7, Portswood Centre

14/01355/FUL

Permanent variation of Condition 02 (Hours of Operation 08.00am-00.00 midnight) of planning reference 09/01208/FUL to change opening hours to 08.00am to 01.00 Sunday-Thursday and 08.00am to 02.00am Friday-Saturday (home deliveries only after midnight)

*APPROVAL CONDITION - Hours of Operation. [Performance Condition]*

*The premises to which this permission relates shall only be open to customers between the hours of 08.00am to 00.00 midnight every day of the week, unless otherwise agreed in writing by the Local Planning Authority.*

*The premises to which this permission relates shall be able to stay open for staff only to receive remote telephone/electronic orders and make deliveries between the hours of:*

*00.00 (midnight) and 01.00AM Sunday-Thursday*

*00.00 (midnight) and 02.00AM Friday-Saturday*

*At no time during this extended period should the premises be open to customers.*

**REASON**

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

09/01208/FUL

Change of use from class A1 (Shops) to class A5 (Take Away) and external shop front alterations.

**APPROVAL CONDITION - Hours of Operation. [Performance Condition]**

*The premises to which this permission relates shall only be open for business between the hours of 08.00am to 00.00 midnight every day of the week, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of any doubt, no home deliveries shall occur outside these hours.*

**REASON**

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

29 - 31 Portswood Road

13/00796/FUL

Application for variation of Condition 3 of planning permission ref 08/01387/FUL and Condition 2 of planning permission ref 12/01189/FUL to extend opening hours to 11:00 - 00:00 Monday - Sunday.

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

*The business (food and drink uses / drinking establishments hereby permitted) shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Sunday*

*11.00 hours to 00.00 hours*

*A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.*

*Reason:*

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

96-100 Portswood Road

12/01712/FUL

Change of use of ground floor from retail (use class A1) to restaurant/cafe (use class A3) and hot food takeaway use (use class A5) with external extract flue.

*APPROVAL CONDITION - Hours of Operation. [Performance Condition]*

*The premises to which this permission relates shall not be open for business outside the hours of 08.00 to 00.00 Monday to Sunday.*

*REASON*

*To protect the character and amenity of the area.*

160 Portswood Road

12/00618/FUL

Change of use of ground floor from shop to ice cream parlour (use class A3/A5)

*APPROVAL CONDITION - Hours of Use [Performance Condition]*

*The Ice Cream Parlour hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:*

*Monday to Sunday and recognised public holidays 7am hours to Midnight hours*

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

*Reason:*

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

211 Portswood Road

09/00362/FUL

Addition of ancillary A5 (takeaway) to existing A3 (restaurant) approved under permission 06/01216/FUL

*APPROVAL CONDITION - Hours of Use*

*The premises shall not be open to the public outside the following times.*

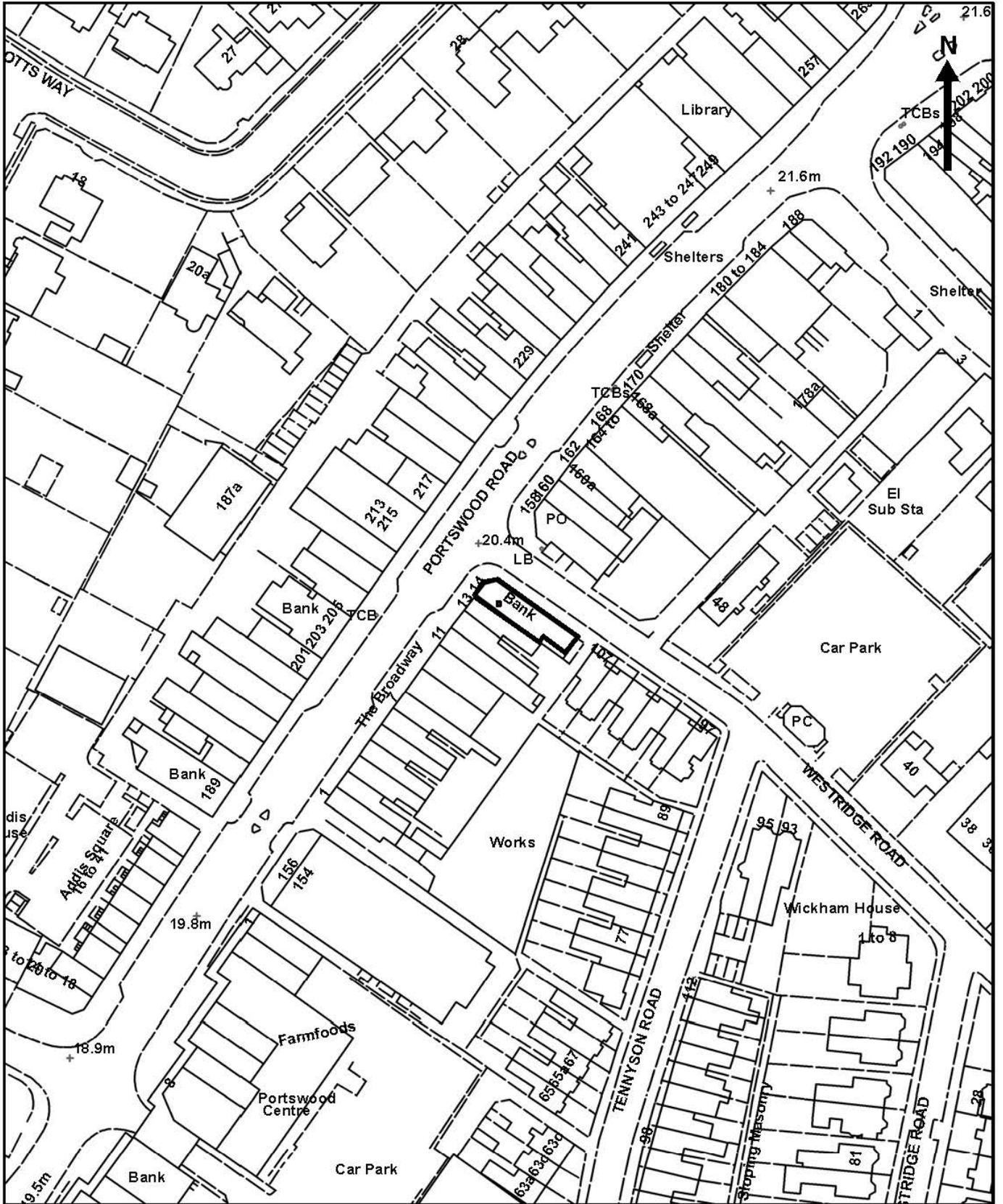
*08.00 - 12 midnight on Mondays to Saturdays.*

*09.00 - 23.00 on Sundays and recognised Public Holidays*

**REASON**

*To protect the amenities of nearby residential properties*

# 18/01889/FUL



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