

Planning and Rights of Way Panel

Tuesday, 3rd November,
2020

at 6.00 pm

PLEASE NOTE TIME OF MEETING

This will be a 'virtual meeting', a link to which will be available on Southampton City Council's website at least 24hrs before the meeting

Virtual meeting

This meeting is open to the public

Members

Councillor Mitchell (Chair)
Councillor Coombs (Vice-Chair)
Councillor L Harris
Councillor Prior
Councillor Savage
Councillor Vaughan
Councillor Windle

Contacts

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Interim Head of Planning and Economic
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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.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2020	
2 June	15 September
23 June	6 October
14 July	3 November
4 August	24 November
25 August	15 December

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

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

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

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

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

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

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

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

2021	
12 January	16 March
2 February	20 April
23 February	

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 - 6)

To approve and sign as a correct record the Minutes of the meetings held 6th October 2020 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 19/01145/FUL - MARITIME WALK, OCEAN VILLAGE (Pages 11 - 62)

Report of the Interim Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 19/01469/FUL - ITCHEN BUSINESS - KENT ROAD (Pages 63 - 88)

Report of the Interim Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 20/01160/FUL - COSTCO - REGENTS PARK ROAD (Pages 89 - 104)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 20/00631/FUL - 59 BURGESS ROAD
(Pages 105 - 118)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 26 October 2020

Service Director – Legal and Business Operations

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 6 OCTOBER 2020

Present: Councillors Mitchell (Chair), Coombs (Vice-Chair), L Harris, Prior, Savage, Windle and Bell

Apologies: Councillors Vaughan

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

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

23. **PLANNING APPLICATION - 18/01227/FUL - PORTSMOUTH ROAD TENNIS COURTS**

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

Erection of 2 x 3 bed semi-detached houses and 1 x 3 bed detached bungalow with associated parking and cycle/refuse storage (Departure from Local Plan).

Councillor Payne(ward councillor) was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that requirement to amend the condition relating to access to the site, as set out below. In addition the Panel requested that signage is installed to highlight and direct the public to the approved public open space. Officers amended the condition as set out below to undertake this requirement.

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: Infrastructure, Planning 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 in Appendix 1 of this report.
- (ii) Delegated authority to the Head of Planning & Economic 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:
 - a. Public open space obligation to secure the submission of a management plan and retention of the open space proposed in line with Policy CS21 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. 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) Authority be delegated to the Head of Planning & Economic Development 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 Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended condition

1. Accessway and sightline details (Pre-Commencement)

Prior to the commencement of the development hereby approved a detailed specification which incorporates the following revisions shall be submitted to and approved:

- The design of the pedestrian environment to incorporate either the use of surfacing to create a high-quality shared space and/or the use of a dedicated pedestrian route;
- Details of signage to be provided to highlight and direct public to the approved public open space;
- The provision of a gradient within the access that is suitable for wheelchair users;
- Secure sufficient pedestrians sightlines and;
- Details of drainage to avoid surface water runoff onto the highway.

The works shall be implemented in accordance with the agreed details before the development first comes into occupation or the open space is first used and the measures thereafter retained as approved.

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

24. **PLANNING APPLICATION - 20/00367/FUL - 35-41 LONDON RD (BASEMENT)**

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

Change of use of basement nightclub (Sui generis use) and part of ground floor café/restaurant to gentleman's club (Sui generis use) including extended hours of operation to Monday - Saturday, 21:00 - 02:00 and Sunday 21:00 - 00.30 [Amended Description: closing hours reduced from 05:00 since validation of application]

Lauren Lines (applicant), was present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the need to amend conditions to take into consideration the dual use of the premises as a gentleman's club or nightclub. In response to concerns expressed by the Panel officers agreed to amend the delivery times. Changes to the conditions are set out below.

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

RECORDED VOTE to grant planning permission.

FOR: Coombs, L Harris, Mitchell, Prior, Savage and Windle

ABSTAINED: Councillor Bell

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended Conditions

03. Hours of Use (Performance)

The dual use (gentleman's club or nightclub) hereby approved shall not operate outside the following hours:

Monday to Saturday - 21:00 to 02:00;

Sunday and recognised public holidays - 21:00 to 00:30;

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

04. Premises Management Plan (Pre-Occupation)

The dual use (gentleman's club or nightclub) hereby approved shall not commence until the following details of operational management are submitted to and approved in writing by the Local Planning Authority:

(a) refuse management including the siting of ,storage and disposal of refuse and glass.

Any external bin storage facilities should not be used and no collections shall take place between the hours of 23:00 – 07:00 everyday;

(b) method of delineating the smoking area from public spaces and maximum numbers of patrons permitted to use the smoking area at any one time;

(c) ground and lower floor doors (including the restaurant door/windows) to remain closed during the permitted business opening hours to minimise noise break out;

(d) a Closed Circuit Television (CCTV) system to be fitted within the premises with cameras deployed to provide images of the adjacent public realm with the installation of 360° mega pixel cameras, together with a system that supports the use of these cameras;

(e) deliveries and servicing to be permitted only between the hours of 07:00 - 20:00;

The approved Premises Management Plan shall be adhered to throughout the duration of the dual use hereby approved unless agreed otherwise in writing by the local planning authority.

REASON: In the interest of protecting residential amenity, crime and safety, the character of the area and highways safety.

25. **PLANNING APPLICATION - 20/00954/FUL - ITCHEN BUSINESS PARK, KENT RD**

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

Use of land for the storage of pallets; fencing, siting of cabins and storage container. (Retrospective).

Alexander Tyrrell (applicant), was present and with the consent of the Chair, addressed the meeting. In addition a statement was submitted by a local resident Steve Cartwright which was read out at the meeting.

The Panel noted that the references to Councillor Savage in paragraphs 8.1 and 6.1 should be removed as there had been an error when editing the Panel report prior to publication. It was confirmed that Councillor Savage had not objected to the application

and had not indicated a predetermined position on the application and therefore was at liberty to sit on the Panel.

The Panel noted that the references to Councillor Savage in paragraphs 8.1 and 6.1 should be removed as there had been an error when editing the Panel report prior to publication. It was confirmed that Councillor Savage had not objected to the application and had not indicated a predetermined position on the application and therefore was at liberty to sit on the Panel.

The presenting officer reported that there were amendments to conditions 2, 3 and 5 and proposed a new condition 8 detailing the Southern Boundary landscape buffer retention. Details of condition 8 are set out below.

Conditions 3 and 5 were explored by the Panel.

The presenting officer had proposed a change to the hours of use in condition 3 to 08.00 - 17.00 Monday – Friday. After being proposed and seconded, the Panel voted on and agreed to amend the hours of use in condition 3 to 08.00 - 16.00 Monday – Friday.

The Panel noted the concerns of residents raised at the meeting in relation to the size of vehicles using Kent Road and the further proposed amendments to condition 5 (Restricted use of vehicles) given by the presenting officer during the course of the meeting were accepted as set out below.

A further condition was proposed to make the permission temporary but was not seconded and was not put to the vote.

The applicant requested a change to condition 4, which would allow loading and unloading outside of the site defined by boundary treatment. The Panel did not agree that it is reasonable to load/unload from the private access serving other sites including the Portswood Waste Water Treatment Works.

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

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended and additional Conditions

2.Restricted Use [Performance Condition] – personal consent
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (storage associated with the business Palletmove Ltd) for the storage and distribution of pallets and associated ancillary office accommodation and not for any other purpose including the storage of any other materials or goods & not for any other use within Use Class B8 use class, without further permission from the Local Planning Authority.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents; and to enable a further assessment should further/alternative employment uses/businesses seek to operate from this site.

3. Hours of Use [Performance Condition]

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

08.00 - 16.00 Monday – Friday: and
at no time on Saturdays and Sundays

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

5. Restricted use of vehicles with more than three axels, or articulated or exceeding 26 tonnes from servicing the site [performance condition]

No vehicles with more than 3 axels or which are articulated or which exceed 26 tonnes shall be used on the site or used to service/deliver to or from the site (including the transportation of pallets) in associated with the business operation hereby approved.

REASON: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

8. Southern Boundary, landscape buffer retention (Performance condition)

The landscape buffer on the southern boundary of the site within the demise of the site to which the application relates shall be retained and maintained at a height of 3 for the lifetime of the development.

REASON: In the interests of visual and audible amenity of neighbouring residential occupiers.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 3rd November 2020 - 6pm

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
5	JT	REF	15	19/01145/FUL Maritime Walk, Ocean Village
6	MP	REF	5	19/01469/FUL Itchen Business - Kent Rd
7	AG	CAP	5	20/01160/FUL Costco – Regents Park Rd
8	KW/RS	CAP	5	20/00631/FUL 59 Burgess Rd

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:

JT – Jenna Turner
 MP – Mat Pidgeon
 AG – Andy Gregory
 KW – Killian Whyte
 RS – Rob Sims

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

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 (revised 2016)
- (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 (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Planning and Rights of Way Panel 3rd November 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Car Park adjacent to Tagus House, Maritime Walk, Ocean Village, Southampton			
Proposed development: Redevelopment of the site. Erection of a building ranging from 9 to 24-storeys to provide 199 flats with associated access, parking, cycle storage, substation and landscaping.			
Application number:	19/01145/FUL	Application type:	FUL
Case officer:	Jenna Turner	Public speaking time:	15 minutes
Last date for determination:	01.10.2019 (ETA 06.11.2020)	Ward:	Bargate
Reason for Panel Referral:	Referred by the Head of Planning & Economic Development due to wider public interest	Ward Councillors:	Cllr Bogle Cllr Paffey Cllr Noon
Applicant: MDL Developments Ltd		Agent: Savills - Mr Peter Warren	

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Yes
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Design Comments		

Recommendation in Full

Refuse planning permission for the reasons set out below:

01. Design & the effect on the character and appearance of the area

The proposed development would result in significant harm to the character and appearance of the area by reason of the following:

- (i) The bulk, excessive scale and massing of the development fails to relate to the prevailing scale and massing of buildings which immediately neighbour the site and results in a proposed building with bulky proportions that fails to create a pleasing landmark within Ocean Village. This having regard to the adopted Development Plan which does not support tall buildings in this location; promoting, instead, the location of landmark buildings on the waterfront in Ocean Village rather than this set-back site where policies require development to relate to the scale and mass of existing buildings within their context.

- (ii) The development would intrude into the clear space in the skyline around the Grade II Listed Royal Pier Entrance Building when viewed from Mayflower Park, lessening this building's dominance in this vista. Likewise, the development would impose upon the southern backdrop of the buildings located within Canute Road Conservation Area. The scale and mass of the new development, coupled with its standard high-rise design fails to create a visual benefit, to these elements which make up the historic character of the area. As such, the proposals would fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance.
- (iii) The paucity of ground floor space or an appreciable setting to the building compounds the scale and massing of the development, resulting in a building which would appear cramped within the site and over-bearing within the streetscene. Furthermore, the ground floor of the development is dominated by servicing, particularly on its southern elevation failing to provide activity to the public realm.
- (iv) The loss of mature protected trees and the pollarding of remaining trees that would erode the soft landscape relief that the existing trees currently provide to an otherwise hard-landscape dominated area.
- (v) The elevational design and tripartite design approach lacks appropriate reference to local character or vernacular, appears bulky, monotonous and authoritarian, failing to achieve a locally distinctive form of development.

As such, in the opinion of the Local Planning Authority, the development would prove contrary to the provisions of policies AP16, AP17 and AP35 of the City Centre Action Plan Adopted Version March 2015, policies CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document Amended Version March 2015, policies SDP1, SDP12, HE1 and HE3 of the City of Southampton Local Plan Review Adopted Version 2nd Revision 2015 as supported by relevant sections of the Council's approved Residential Design Guide Supplementary Planning Document 2006 and the NPPF (2019) emphasis on securing high quality design.

02. 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. The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - (Amended 2015) and the adopted SPG relating to Planning Obligations (August 2005 as amended) taking account of the viability position presented and assessed;

- iii. The provision of public art in accordance with policy CS25 of the Core Strategy and the adopted Developer Contributions SPD;
- iv. A Refuse Management Plan to address the storage and collection of waste from the development in accordance with the Residential Design Guide Supplementary Planning Document 2006;
- v. A Flood Management Plan to address the management of flood risks for future occupants of the development in accordance with policy CS23 of the Core Strategy;
- vi. 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;
- vii. In the absence of Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, both during and post construction, in accordance with Policies CS24 and CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- viii. In the absence of a mechanism for securing the submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013) and;
- ix. 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 and New Forest. 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.

1. The site and its context

- 1.1 The site currently comprises a private car park within Ocean Village with a well-vegetated boundary which contains TPO trees. The site is located towards the southern end of Ocean Village. To the south of Ocean Village is the University's Oceanography Centre and the Port of Southampton. The site itself is neighboured by the three-storey offices of Tagus House and Arcadia House to the north, the Harbour Lights Picture House to the east, the Ocean Village Innovation Centre and the 8-storey residential development of Splash to the south.

- 1.2 Ocean Village itself comprises a large marina within the defined city centre, although is somewhat remote to and disconnected from the main shopping core. The marina is edged by residential and non-residential uses including a substantial amount of office development, bars and restaurants, the Ocean Village Innovation Centre, Harbour Hotel and Harbour Lights Cinema. Ocean Village has been subject to some substantial change through development in recent years and that development is varied in terms of character and quality. The adjacent Harbour Lights cinema remains as one of the more positive buildings within the area; its lower scale, interesting form and also the activity associated with it creates a point of interest in Ocean Village.
- 1.3 In terms of scale, building heights within Ocean Village vary between 2 and 11 storeys with the exception of the Moresby Tower development providing a landmark tall building within Ocean Village. The public realm within the area lacks cohesion with a paucity of genuine open space, including play space and green landscaping. Pedestrian routes, in particular, lack clarity and often conflict with car-dominated roads and parking areas.
- 1.4 The site is within 600 metres of the Solent and Southampton Water Special Protection Area and the Lee-on-the-Solent to Itchen SSSI. The marina itself includes the Grade II Listed Princess Alexandra Dock - Dock Basin Wall and 200 metres to the north is the boundary of the Canute Road Conservation Area.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of a tall building that would comprise 199 residential flats with a mix of 1, 2 and 3 bedrooms. The application sets out that the flats would be for the private rented sector. The application has been amended since submission.
- 2.2 To the ground floor of the building, a foyer and residents' lounges are provided together with ancillary storage and services.
- 2.3 Externally, 10 car parking spaces are provided to serve the development together with a standalone cycle store. A servicing area is located to the south side of the building which provides access to the internal refuse store. On the opposite side of the road, a landscaped area of approximately 400 sq.m is provided, which contains an electricity substation. The flats would also be served by two communal roof terraces, each of approximately 300 sq.m in area.

2.4 The building itself has a stepped design. The lowest section of building, at 8 storeys is positioned to the eastern part of the site. The building then steps up to 24 storeys (97.5 m AOD) in the middle section and down to 14 storeys adjacent to Tagus House. The elevations would be finished in a brickwork cladding system with green coloured spandrel panels below windows and a dark cladding system to shadow gaps within the elevations. Living spaces within the flats would have Juliette balconies finished with metal balustrading.

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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.4 The status of the applicant’s own ‘Masterplan’ is discussed further at paragraph 6.3.6 below.

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.

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 (19.07.2019) and erecting a site notice (16.07.2019). Following receipt of amended plans and information, a second neighbour notification exercise was undertaken. At the time of writing the report, in total **304 objections and 1 letter of support** have been received from surrounding residents, including some objectors that have replied to both rounds of consultation. **Following the first public consultation exercise, for instance, 178 letters of objection were received and one letter of support.** The following is a summary of the points raised following the first consultation exercise:
- 5.2 **Councillor Bogle (Bargate Ward Councillor)** – Concern with the level of development taken in place in Ocean Village in the last few years which has felt un-coordinated and piecemeal. There is little green space, nor the originally planned events plaza. The development does not fit in with existing developments to date. Recommend a pause to master-plan Ocean Village as a whole for the next few decades, through the Local Plan process. Concerned with over-shadowing and the over-bearing impact on neighbouring properties. Concerned with the loss of protected trees. Concern with the loss of the car park. Poor public transport connections. Query relationship with the Port.
- 5.3 **Councillor Dr Paffey (Bargate Ward Councillor)** – A comprehensive strategic plan for the future vision of Ocean Village needs to be in place before further developments such as this one. Facilities such as a public plaza, green areas need to be delivered or the area risks becoming over-development. The developers should engage fully with the community and the Council in developing a strategic plan for Ocean Village.
- 5.4 **Cllr Noon (Bargate Ward Councillor)** – The height and mass of the application would overshadow the Splash Development. Concerned with the loss of parking in Ocean Village. Concerned with the loss of trees. Not opposed to more development in Ocean Village providing affordable housing and green space is delivered.

- 5.5 **Pacific Close Residents Association –**
The proposal would exacerbate congestion at the junctions with Canute Road and Ocean Village.
Lack of local amenities/services within Ocean Village such as health care, facilities for children.
Introducing a large number of residents in an area with poor public transport links is unsustainable.
Loss of trees.
Overdevelopment. The building would dominate neighbouring developments. No justification for another tall building in this location.
There has been a piecemeal approach to development in Ocean Village.
Concern with fire safety.
Overshadowing and over-bearing impact on neighbouring properties.
Concerned with the effect on car parking.
- 5.6 **Pacific Close Estates Limited –**
Surplus of this type of accommodation in the area
Lack of car parking, play areas and other facilities to support residents
Pacific Close is subject to over-spill car parking which would increase.
- 5.7 **City of Southampton Society –**
Support residents objections. Object on the basis of design, layout/density/, loss of light/overshadowing, noise and disturbance, adequacy of parking, highway safety, loss of trees, landscaping and effect on the Conservation Area.
- 5.8 **Ocean Village Business Community (UBC/PWC/Forelle Estates/BDO/CBRE) –**
Loss of car parking and insufficient car parking to serve the development will result in increased competition for on-street car parking.
A comprehensive Masterplan for Ocean Village should be prepared to run alongside the Local Plan process.
- 5.9 **Forelle Estates –**
Loss of TPO trees and unclear where the 2 for 1 tree replacements will be located. Podium tree planting is unlikely to provide equivalent public amenity value. The existing car park is well used/not surplus to requirements. Loss of car parking would impact on the attractiveness of Ocean Village as an employment location and visitor destination. Parking demand from new residents is not satisfactorily addressed due to costs and practicalities associated with the multi-storey car park.

- 5.9.1 Lack of affordable housing and absence of a viability assessment to justify this. The National Planning Practice Guidance confirms that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent.
- 5.9.2 Poor Design due to excessive mass and bulk of the development. Does not meet the policy requirements of AP35. The site is not identified within areas identified for individual landmark buildings by the CCAP. Insufficient private external amenity space.
- 5.9.3 Disagree with the applicant's assertion that the 2006 MDL Masterplan carries great weight which doesn't not support the proposal in any case. A residential tower would do little to add to the vitality of the area or reinforce Ocean Village's attraction as a destination for national and global business.
- 5.9.4 Things have moved on since 2006 MDL Masterplan and a comprehensive review is welcome in the context of the Local Plan review. Query if an EIA screening opinion has been submitted.
- 5.10 **Local Residents' Issues -**
Signing of ownership certificate queried-leaseholders should be served notice.
- 5.10.1 Loss of car parking. Insufficient parking adding to pressure in the area. Query the practicality and cost associated with using the multi-storey car park. Much of the car park is currently used for the storage of vehicles and permits have already been sold for spaces within it-it's not clear how many spaces are actually available for use. A summer survey should be undertaken to reflect when the marina is used more intensively. Poor public transport connections to Ocean Village. Additional congestion within the area.
- 5.10.2 Loss of trees- in the context of an area that does not benefit from sufficient soft landscaping. The proposal would provide smaller trees than existing with no details on how many trees per type would be planted. 40 new trees are not provided.

- 5.10.3 Loss of light to neighbouring properties and overshadowing of properties and open space. Including Sapphire Court and the communal garden area and the communal podium area for the Splash development. The daylight and sunlight assessment highlights that a number of the neighbouring properties fail the VSC test, with less than 27% skylight reaching windows. This impact could be addressed with a building of a lesser scale and massing. A wider assessment of the impact of the development should be undertaken. The over-shadowing impact on the hotel would impact on its attractiveness and potentially its viability.
- 5.10.4 Scale is out-of-character and over-bearing. Moresby Tower was intended to be the 'iconic' high rise building on the marina. There is no good justification for another building of a similar height.
- 5.10.5 Design is unattractive and monolithic. It is not innovative nor distinctive. The architecture is monotonous.
- 5.10.6 The proposal is not plan led. The last masterplan was 2006 and not publicly endorsed.
- 5.10.7 The Townscape, Heritage and Visual Impact Appraisal highlights a moderate impact on Geddes Warehouse and Royal Pier. The proposal would detract from views from Mayflower Park and detract from Royal Pier causing harm to the setting and significance of this asset- this amounts to substantial harm.
- 5.10.8 Loss of privacy to neighbouring properties
- 5.10.9 Insufficient external amenity space to serve the development. The internal living environment would be poor.
- 5.10.11 The Planning Statement is incorrect in its assumption that no affordable housing provision is required. Paragraph 64 of the Framework is intended to boost the provision of affordable housing products which are aimed at 'affordable housing ownership'. As such developments other than that listed should deliver 10% should be starter homes, discounted market sales housing or other affordable routes to home ownership. It exempts Build to Rent from these products but does not exempt the development to provide the whole affordable housing percentages set out in the Development Plan.
- 5.10.12 Concern with wind tunnel effect on public areas around the building.
- 5.10.13 Concern with lack of community infrastructure e.g. health services and schools

- 5.10.14 Concern with the piecemeal approach to development in Ocean Village, the lack of cohesive planning and development. There is an existing mish-mash of building styles which the proposal would exacerbate.
- 5.10.15 Disruption during construction and noise from use of balconies and communal terraces
- 5.10.16 Concern with the lack and poor quality of public space. This is impacting on the attractiveness of the marina to host events. There is too much emphasis on residential development in Ocean Village.
- 5.10.17 Bats and hedgehogs have not been fully considered in the submitted Ecology report.
- 5.10.18 The Council need to carry out an Appropriate Assessment. Water quality impact on designated sites needs to be addressed.
- 5.10.19 The development is ES development and needs further work

Officer comment

The application has attracted a significant level of local objection and the above issues are detailed further in the Planning Considerations of this report. The Panel will note the recommendation for refusal and the reasons drafted above identify the Planning harm that can be evidenced at an appeal, but these do not necessarily support each of the concerns raised locally. The Panel may, of course, seek to amend the suggested reasons for refusal.

- 5.11 **Following receipt of amended plans a further consultation and neighbour notification exercise was carried out by the Planning Department. A further 126 responses were received, including comments from the three Ward Councillors and residents' groups. The following is a summary of the points raised following the second consultation exercise:**

- 5.12 **Cllr Bogle -**

I wish to lodge an objection that builds on previous objection and comments. This is a controversial application that has already generated significant comment and concern. Most of those have met with and talked to are not necessarily anti-all development but want Ocean Village to develop in a more coordinated way. The timing of this resubmission is unhelpful also as only those with internet access can reasonably engage.

- 5.12.1 I would like to see a properly agreed Master plan for the Ocean Village area done first with full stakeholder engagement (residents, businesses, long leaseholders and the main freeholder) before any new planning application is allowed/decided in this area. Ideally, this would be done together with the Local Plan, so there is up to date planning policy that informs any future planning applications.
- 5.12.2 The 2006 Master Plan that is still referenced has not been complied with (most critical is the lack of decent green space/communal space) and was never an admissible policy to reference for planning purposes. Development in the area has been piecemeal and there needs much greater coherence to ensure this area of the city can really work and flourish for all. As it is, the original master plan designated this site for a much smaller building for commercial use rather than residential use and concur with the City Design Officer's original comments on the overall design approach.
- 5.12.3 The scale of the changes (a reduction of 24 units to 199, a reduction in one storey to 24 storeys, a reduction in car parking from 14 to 10 spaces etc) do not address the concerns raised in my previous objection. The key concerns are overdevelopment, overshadowing (particularly for the Splash Development, Harbour Lights cinema and Harbour House Hotel) and the loss of mature and protected trees.
- 5.12.4 In addition, the proximity to the port boundary generates a further issue/risk with noise complaints that is mentioned by both ABP and Environmental Health and could adversely affect future residents and increase the work of our Environmental Health team.
- 5.13 **Cllr Noon –**
Stand by original objections raised
- 5.14 **Cllr Paffey –**
Original comments still stand

- 5.15 **Regional Portfolio III Limited Partnership via Bell Cornwall**
The use, which excludes ground floor commercial, is contrary to the CCAP. Absence of affordable housing is contrary to the adopted Development Plan. The site is not within an area indicated for a tall building cluster and since the prevailing character of the area is buildings of 5 storeys, the scale is out-of-character. The public transport accessibility of the site casts doubt on whether the site is suitable for a development of very high density. There are insufficient family homes within the development, contrary to CS16 of the Core Strategy. Insufficient private amenity space for residents of the development. Shortfall in car parking spaces compared with the maximum permitted by the Parking Standards SPD. This is compounded by the loss of the car park on site. The Ocean Village multi-storey car park was intended to serve parking displaced from other development sites in Ocean Village. A Habitats Regulations Appropriate Assessment is required.
- 5.16 **Blake Morgan for Forelle Estates Limited**
The changes to the scheme are minor and so the original objections are maintained. There has been a lack of genuine public engagement nor attempts to address concerns raised by the public.
- 5.16.1 Loss of TPO trees in an area where there is a paucity of green infrastructure and trees. The established group of trees provide immediate benefits. It is not clear that the replacement tree planting can be accommodated on the site.
- 5.16.2 Insufficient car parking due to the loss of the car park and increased demand from new residents of the development. The cost of parking permits in the multi-storey car park could be prohibitive to some residents and therefore doing little to alleviate the problem of indiscriminate parking in the area.
- 5.16.3 The proposed towers exhibit poor design retaining a monolithic, utilitarian appearance which accentuates their excessive bulk and mass. Alexandra Wharf and Moresby Tower sit alongside the more open setting of the waterfront where their slender form can be appreciated-thereby acting as landmarks. The development would instead appear as competing and distracting. The landscape does not convey a sense of place. The site is not an identified tall building site.
- 5.16.4 Insufficient private external amenity space.
- 5.16.5 The 2006 masterplan referred to does not have weight in the decision-making process and does not support a tall building on this site in any case.

- 5.16.6 The viability appraisal in lieu of affordable housing should be in the public domain.
- 5.16.7 EIA screening should be carried out.
- 5.17 **City of Southampton Society –**
 The application has failed to address residents' comments. The Evolving Vision is not included in the local plan nor subject of public consultation. The multi-storey car park is not suitable for late night use and suffers from pressure on match days. The loss of trees, pollarding of remaining planes and the lack of space for replacement planting is not acceptable. The pocket park does little to address open space issues given the relationship with substation. Affordable housing should be provided. Communal rooms/spaces should be retained such.
- 5.18 **Local Residents Comments -**
 Concern with the process of amending the scheme and notifying the neighbours. The Covid-19 pandemic means it is difficult for neighbours to engage.
- Officer Response: The amended plans and information were made available on the Council website and the neighbour notification period extended to provide residents with more time to comment. The Government's expectation was that the planning system continued to operate during the Covid-19 lockdown.*
- 5.18.1 The changes to the scheme have not gone far enough to address previous concerns raised.
- 5.18.2 Loss of trees. This is contrary to the Southampton Green Charter and has a negative impact on wildlife and air quality in the city and character of the area, particularly as there is a scarcity of soft landscaping/trees in Ocean Village. Pollarding of the plane trees limits their contribution to the area. The scale is excessive. The proposal would result in the over-development to the detriment of Ocean Village.
- 5.18.3 There should be a clearer over-arching plan for the development of Ocean Village. The proposals are not plan led. This scheme represents adhoc development out of step with the earlier principal concepts of Ocean Village. The term "evolving masterplan" as used by MDL in their submission is merely their term, to justify the development. Over-bearing and harmful impact on the skyline. We would like to see an updated, comprehensive masterplan for Ocean Village, so that future development can be managed in a planned and cohesive manner.

- 5.18.3 Loss of light to and overlooking of the neighbouring Splash development. The submitted daylight/sunlight assessment is not based on survey data. The report highlights that a number of properties would fail the vertical sky component and so would experience harm to amenity. An assessment on the impact of neighbouring non-residential buildings should be carried out. Over-shadowing of public realm, Alexandra Court/Cobalt Quarter/Sapphire Court.
- 5.18.4 The reduction in car and cycle parking exacerbates previous concerns raised. Census data indicates that there would be overspill car parking onto surrounding streets which is already a problem in the area. Loss of car parking convenient to the Cinema.
- 5.18.5 Poor design. The appearance and design is unacceptable. The development does not offer a landmark building like Moresby Tower. The monotony and lack of architectural interest or identity to its elevation treatment is out of character with the surrounding area. It is neither innovative nor distinctive.
- 5.18.6 Traffic generation/poor public transport availability in Ocean Village Inadequate infrastructure to support additional development including healthcare and schools.
- 5.18.7 Lack on meaningful open space with the development, given there is an overall lack of open space in Ocean Village.
- 5.18.8 An EIA should be carried out for the project.

Officer Response: The project has screened to assess whether an Environmental Impact Assessment (EIA) would be required. The conclusion of the screening was that the development does not require an EIA.

- 5.18.9 An Appropriate Assessment is required to address the Habitats Regulations. The information provided indicates that the development would have a significant effect on the designated sites but as no definite means of mitigation has been identified the project should not be allowed.

Officer Response: An Appropriate Assessment would be required before the project could be approved.

5.18.10 The potential for contamination should be assessed prior to determination.

Officer Response: A preliminary investigation has been carried out. The Council's Environmental Health team are satisfied that contamination risks could be dealt with at a later stage in the development process.

5.18.11 The effect on nearby Heritage Assets has not been properly assessed. The proposal would have an overly dominant effect on Canute Road Conservation Area.

Officer Response: Sufficient information has been provided to understand the impact of the proposal on designated heritage assets. This is discussed in more detail below.

5.18.12 A desk-based review of archaeology on the site should be carried out.

Officer Response: The Council's Archaeologist has advised that this matter could be dealt with via planning conditions were the application to be supported.

5.18.13 A wider assessment of the impact on townscape should be provided.

Officer Response: The Council's Heritage and Design Officers are satisfied that they have sufficient information to assess the application.

5.18.14 There is insufficient amenity space to serve the flats and the daylight/sunlight assessment has not considered the quality of these spaces.

5.18.15 Open space in the area is poor and should be provided, especially since the flats are capable of accommodated families with children.

5.18.16 The building has a considerable amount of dead frontage to the ground floor.

5.18.17 Concern with a potential wind tunnel effect

5.18.18 Disruption during the construction process.

Officer Response: All development results in some disruption during construction. Providing these impacts can be appropriately managed through planning conditions, this in itself, would not be sufficient reason to withhold planning permission.

5.19 Consultation Responses

5.20 SCC Highways - No objection subject to conditions.

5.21 SCC Planning Policy - I support the overall approach to only consider further tall buildings in this location in the context of a master plan for the quarter. Policy AP35 (Ocean Village) starts: “Development in this quarter will be supported which enhances Ocean Village as a high quality waterfront destination...”. Policy AP16 (Design) starts with “Development in the city centre will deliver the highest standards of sustainable development and design....” and ends with “....where a key site is developed in phases, the layout and design of each phase will retain the ability for future phases to integrate into the development to achieve the comprehensive design principles for the whole site”. Taken with all the CCAP’s policies and the issues set out in the pre-app response, this justifies the need for a master plan.

5.22 Policy AP13 (Public Open Space in New Developments) criterion 2 explains that development will be expected to provide an appropriate amount of amenity open space on site, accessible to all occupiers, taking account of indicative standards, the nature of the development and the proximity of other open space. Criterion 1 expects the creation of new civic spaces as specified in Table 7 where the new space is on or adjacent to the development site. Table 7 (and para. 4.122 – 4.123) give a broad indication of these new spaces, including an Ocean Village Events space. This is also included in policy AP35, relating to a public space to replace the car park adjoining the promontory site.

5.23 In-order to deliver appropriate open space for the location, there may be practical challenges in co-ordinating development parcels and trade offs between different policy aims. However this cannot be properly considered without an overall master plan. The nature of the location (enjoying waterside amenity), and the range of ways to improve open spaces / links identified in policies AP12 and AP13, may provide the scope for some flexibility. However we will only be able to judge this in the context of a masterplan which sets out the overall range and balance of benefits which further development in the quarter can bring in accordance with the overall CCAP framework.

5.24 **SCC Housing** – As the scheme comprises of 199 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 70 dwellings (69.65 rounded up). In this case on-site provision would be sought. Planning conditions and or obligations will be used to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative housing provision.

The application advises a Build to Rent scheme is proposed. This does not exempt the scheme from providing affordable housing. In this case (as per the glossary of the NPPF) the affordable element is expected to be Affordable Private Rent and need not be provided by a Registered Provider. The rents (including service charges) however need to meet affordability criteria and remain affordable.

5.25 **SCC Sustainability Team** – No objection subject to conditions. It is proposed to take a 'Fabric First' approach, with energy use being further reduced by use of technologies, the preferred servicing option of the developer consisting of Community Heating using Air Source Heat Pump (ASHP) and Gas Fired Boiler, Radiators, Mechanical Ventilation with Heat Recovery (MVHR), Domestic Hot Water(DHW) via Community Heating Heat Interface Unit (HIU). Combined assessments of amenity and ancillary spaces, plus the apartments have demonstrated an overall 27.01% CO2 emission reduction over baseline for the whole development. This satisfies the policy requirement for 19% CO2 emission reduction. Overheating risk has been assessed. The green space factor demonstrates an acceptable improvement, a green roof condition is recommended to ensure that these elements of the scheme are delivered and maintained.

- 5.26 **SCC Design Advisory Panel** – Comments received following receipt of amended plans (attached in full in *Appendix 3*) set out that there is no justification for the height provided for this location in the supporting documents. The bulk and mass of the tower has no elegance or attractive proportion. The lack of any decent extent of public realm for a scheme of this magnitude and in an area clearly lacking in public realm quality
The extent of dead or low activity to the frontages around the building
- 5.27 **SCC City Design** - Comments received following the receipt of amended plans (attached in full in *Appendix 3*) set out that:
No place/context driven justification presented for a tall building in this precise location. The submission lacks a vision and design rationale/principles to guide future development within Ocean Village. This should be informed by analysis of the local character and context to determine what the special characteristics of place are for this site. As the submission does not do this we are therefore left only in a position to assess the building in isolation against policy and guidance set out in the NPPF, the National Design Guide, and SCC's City Centre Action Plan Policies AP16 Design, AP17 Tall Buildings and AP37 Ocean Village and it is clear in that context that a standalone building is unacceptable. The building would dominate the site and would not be sympathetic to local character given its scale and mass relative to its immediate surroundings.
- 5.28 **SCC Historic Environment Officer** – Objection.
Assessment and advice
There are no above ground heritage assets in close proximity to the development site. The site is not located within a strategic view to the city's principal heritage assets identified in the council's *Southampton Tall Buildings Study (2017)*. Consequently, I concur with my predecessor's opinion in that a building over 6 storeys in this location would be acceptable in principle.

- 5.29 Notwithstanding this, it would be difficult to support the revised proposals at this time. For instance, the projected views within the *Townscape, Heritage and Visual Impact Appraisal (March 2020)*, clearly illustrates that the new development would affect other short and mid- distant views through to other heritage assets located further away from the development site. The development would intrude into the clear space in the skyline around the Royal Pier Entrance Building (grade II) when viewed from Mayflower Park (View 1), lessening this building's dominance in this vista. Likewise, Views 4 & 5 illustrates that the new build would impose upon the southern backdrop of the buildings (some of which are historic) located within Canute Road Conservation Area. In both instances, it is difficult to conclude that the scale and mass of the new development, coupled with its standard high rise design, would present appropriate mitigation measures, or would lead to a visual benefit, to these elements which make up the historic character of the area.
- 5.30 Furthermore, on visiting this part of Ocean Quay, the existing ad hoc nature of the built form of the waterfront area presents a hard urban edge to the quayside with car parks, private roads, and ornamental planting. The area is not particularly welcoming for pedestrians. This part of the city, which was once characterised by the busy and bustling maritime activities of the inner dock, is now lacking in local distinctiveness and introducing similar blocks of architecture inspired by the existing residential development and current insular approach to its layout would fail to improve matters.
- 5.31 As such, the proposals would fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance, and the introduction of bespoke and innovative architecture that would present a positive visual enhancement to this part of the city, coupled with an improved pedestrian layout, would be advised to gain officer support
- 5.32 **SCC Archaeology** – No objection subject to conditions
The proposed redevelopment of the existing car park involves the erection of an 11-to-25-storey building to provide 223 flats with associated access, parking, cycle storage, substation and landscaping. The new building may lie just to the north of the buried former dock wall, although it could partially overlie the dock wall. Groundworks beyond the proposed building footprint may also reveal the dock wall and dockside structures.

5.33 Initial geotechnical ground investigation works are to be carried out as part of the proposals. These works will confirm the nature of deposits under the site, and also locate the former dock wall and other structures. The ground investigation works are to include an initial geophysical survey, and also trial pits etc to locate the dock walls.

- An archaeological watching brief should take place during the ground investigation works, with provision to record any dock remains uncovered.
- If peat deposits are found during the ground investigation works, it may be possible to sample the peat for archaeological analysis; if not, a separate geo-archaeological borehole investigation may be required.
- An archaeological watching brief may also be required on certain groundworks during redevelopment (level reductions, services/soakaways, beam trenches, etc), depending on the extent to which buried dock structures will be disturbed.

5.34 **SCC Environmental Health (Pollution & Safety)** – No objection. The noise report and mechanical ventilation method that would be deemed necessary are suitable to provide an acceptable internal living environment. Further details, in addition to whether operable or non-operable, of the glazing are required as to ensure the appropriate standard is fitted throughout. The glazing is likely to differ on each elevation and/floor.

Consideration needs to be given to overlooking from the car park into the flats on the same as to protect privacy. Any other condition likely to be recommended by EH has been referenced and satisfied in the documents provided to accompany the application.

5.35 **SCC Environmental Health (Contaminated Land)** – No objection. This department agrees with the recommendations made in the Geoenvironmental and Geotechnical Desk Study and therefore recommend that the conditions be attached.

5.36 **SCC Ecology** – No objection subject to conditions and an Appropriate Assessment being carried out.

The application site consists of an area of hard-standing and a small building with a number of standard trees within the site and around the southern boundary and a mixed species hedgerow running around the perimeter. The hard-standing and building are of negligible biodiversity value however, the trees and hedgerow have the potential to support nesting birds and are therefore of low ecological value.

- 5.37 The land immediately surrounding the site is predominately buildings and hard-standing with low quantities of vegetation. These habitats are of negligible to low ecological value. The ecology report states that the landscape scheme will deliver biodiversity enhancements however, only 38% of the species in the submitted landscape scheme have identifiable value for wildlife. I would expect to see at least 50-60%. In addition, the enhancement measures still do not include nesting provision for swifts and peregrine falcons.
- 5.38 The site is located approximately 75m from the Solent and Dorset Coast potential Special Protection Area (pSPA) and within 625m of the Solent and Southampton Water SPA and Ramsar site and the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) lie approximately 4.6km to the north-east whilst the New Forest SAC, New Forest SPA and New Forest Ramsar site are approximately 4.4km to the south-west.
- 5.39 Although there is a negligible risk of direct adverse impacts on statutorily designated sites, the proposed development does have the potential to result in indirect impacts during both the construction and operational phases. As a result a Habitats Regulations Assessment will be required and a statement to inform an HRA has been provided.
- 5.40 **SCC Flood Risk Manager** – No objection subject to conditions.

5.41 **SCC Tree Officer** - Comments received prior to amended plans being received - Objection:

I do not support the proposed development due to the loss of mature trees. Whilst the Tree Report argues that the London plane trees are the principle arboricultural feature, the making of T2-696 The Southampton (Ocean Village - Barclays House Car Park) Tree Preservation Order 2018 clearly illustrates the high visual amenity that all trees on site present. The Italian alders proposed for removal are clearly visible from Ocean Way and only “filtered”, as described in the report, whilst the London planes are in full leaf, when they (the alders) still offer high visual amenity. The London planes are described as becoming more prominent with maturity, however it is proposed that they should be maintained as pollards once the development is complete meaning that their crowns will not be allowed to reach the dimensions that would offer this prominence, nor provide the environmental benefits that a mature crown offers. Furthermore the pollarding of these trees would ordinarily be unlikely to be approved under a 1APP, and would only be applied for as a result of the pressure imposed on them by the development. Pollarding these trees is considered to be unnecessary and would reduce visual amenity.

Following the receipt of the amended plans and information the Tree Officer commented:

No change on my original comments, only to add in response to the below that pollarding, however well done, cannot fail to be detrimental to visual amenity such is the severity of the work.

5.42 **SCC Employment and Skills** – No objection. An Employment and Skills Plan Obligation will be required via the S106 Agreement. Early consultation around the ESP is recommended in order to ensure effective planning of activities to create positive outcomes relevant to the needs of the School Trust, the contractor and the wider community.

5.43 **SCC CIL Officer** – The development is CIL liable as new residential units would be created by the development. With an index of inflation applied the residential CIL rate is currently £ 104.38.per sq m, to be measured on the Gross Internal Area floorspace of the building, inclusive of communal and circulation spaces. This CIL figure will next change in January 2020. Should the application be approved a Liability Notice will be issued detailing the CIL amount and the process from that point.

5.44 **SCC Air Quality Officer –**

We recognise and support conclusions provided by the air quality assessment that the development will not have a significant impact on compliance with national air quality objectives. We also recognise and support the measures suggested in the travel plan. However, due to the scale of the development and proximity to the Town Quay AQMA we anticipate at least the following mitigation measure to be implemented: Construction traffic management plan to be adopted which should include, as a minimum, the requirement for HGVs servicing the site during construction to meet Euro VI diesel or Euro IV petrol emission standards as a minimum. The plan can also include other measures which will reduce congestion and associated unnecessary emissions from construction HGVs.

Details on how these mitigation measures and how they are to be implemented and managed should be set out in a mitigation statement which should be submitted to and approved by the Local Authority. We support conclusions made regarding dust risks and expect the developer to implement mitigation measures associated with the highest level of dust risk, as suggested in section 5.1.9 and detailed in section 6.1.1.

Officer Note: The issues raised above could be addressed in a planning condition were the application to be supported.

5.45 **Southampton Airport –** No objection subject to conditions.

5.46 **University Hospital Southampton National Health Service Foundation Trust (NHS Trust) –**

This substantial development of up to 223 housing units could have a material impact on primary care in this part of the city - in particular the St Mary's Surgery practice which operates from two sites - St Mary's Surgery in Johnson Street and Telephone House in the High Street which are already over-stretched.

- 5.47 **Natural England** – The application is supported by a ‘Technical Note – Nutrient Neutrality’ (Ramboll, Jan 2020), which outlines the development will result in a positive N budget of 314 kg/TN/y which will require mitigation. Please note Natural England recently released an updated version of the Solent nutrients methodology (please see attached). It is advised the calculation is redone to take account of the acceptable background level of 2mg/l N. Therefore it is likely this will result in a reduced budget, however mitigation will still be required to ensure the development is nutrient neutral, please see below and the attached PDF for further advice on mitigation and where it should be located. A number of strategic mitigation options are coming forward and discussions with the local planning authority is recommended. The Hampshire and Isle of Wight Wildlife Trust (HIWWT) has developed a strategic-scale mitigation option that is available to developers. We recommend that details of the mitigation strategy are provided to inform your authority’s appropriate assessment. This should include detail on how the offsetting will be secured and enforced in perpetuity.
- 5.48 **ABP** – ABP originally lodged an objection pending further information. Concern that the residents would be subject to noise and disturbance from the Port which could impact on the operation of the Port.
- 5.49 **Historic England** – Do not wish to offer comments. Refer to SCC’s own specialist advice.

6.0 **Planning Consideration Key Issues**

6.1 Introduction

- 6.1.1 This planning application was submitted following pre-application advice that concluded:

At this stage it is difficult to accept the principle of a tall building on this site in the absence of the masterplan which demonstrates a rationale for sustainable tall building growth within Ocean Village. The Council’s policy framework does not highlight Ocean Village as being appropriate for a cluster of tall buildings but rather sets out an approach for individual landmark buildings on the waterfront. Given the potential for development on surrounding and adjacent sites, it is important that Ocean Village is planned comprehensively to understand which sites have potential for tall buildings. The Council would support a collaborative approach to the development of Ocean Village to achieve the policy aims for the enhancement of the area as a key waterfront destination in the city.

- 6.1.2 Following receipt of this planning application, a number of significant issues were raised during the initial consultation period. It was, therefore, agreed to not determine the application as initially submitted but to provide time for the applicant's team to address the issues raised. The applicant subsequently submitted amended plans and information and requested that the application be determined on the basis of the revised package of information. The key changes to the scheme are summarised as follows:
- Reduction in maximum height of the tower from 25 to 24 storeys
 - Reduction in the lower sections of building from 17 storeys to 14 storeys and 11 storeys to 8 storeys.
 - Change of materials and Juliette balconies
 - Reduction of car parking spaces from 14 to 10 spaces

6.1.3 The National Design Guide sets out at paragraphs 69 and 70 that tall buildings, where well-designed, can have a positive urban design role to play and can act as landmarks. The Guidance emphasises that tall buildings need special consideration in terms of their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. The application will, therefore, be assessed in these terms, along with other relevant material planning considerations and the following report discusses the following key planning considerations:

1. Principle of Development
2. Location/Siting
3. Contextual Design
4. Design Composition
5. Microclimate
6. Privacy/Outlook
7. Quality of the residential environment
8. Parking & highways
9. Air Quality
10. Mitigation
11. Designated habitats

6.2 Principle of Development

- 6.2.1 The site is not identified for development purposes in the adopted Development Plan although it lies within the Ocean Village quarter as part of the defined city centre. Policy CS1 of the Core Strategy supports the provision of new dwellings, leisure and hotel development within the city centre. Policy AP9 of the City Centre Action Plan (CCAP) supports the delivery of residential development within the city centre through the redevelopment of sites as appropriate. CCAP policy AP35 supports development which promotes a mix of residential, leisure, hotel and residential uses. The principle of redevelopment for the uses proposed is, therefore, acceptable and maximising the use of previously developed land is an accepted principle of the UK planning system. Furthermore, the provision of housing would assist in addressing the city's housing need in accordance with Policy CS4 of the Core Strategy which confirms the need for an additional 16,300 homes within the city between 2006 and 2026.
- 6.2.2 CS16 of the Core Strategy requires the provision of a target of 30% of total dwellings as family homes on sites of ten or more dwellings. The policy defines family housing as having 3 or more bedrooms and with direct access to sufficient private and useable amenity space (20sq.m per flat). The policy does set out a flexible approach to the delivery of family homes, requiring delivery to be balanced with other factors including the character of an area and development constraints. Given the city centre location of the site and the nature of development, as a flatted block, it is considered that the provision of less family homes than the target is justified in this instance.
- 6.2.3 The site lies within an area of Medium Accessibility to Public Transport (Public Transport Accessibility Level band 3). Policy CS5 of the Core Strategy supports high-density development (over 100 d.p.h) in city centre locations. The proposal would meet this guideline, although density in itself is not determinate and needs to be assessed in the round with the merits of the scheme. The level of development proposed, in respect of how it affects the design of the development, is discussed in the following sections.

6.3 Location and Siting

- 6.3.1 Policy AP17 (Tall Buildings) of the adopted City Centre Action Plan (CCAP) indicates locations in the city where tall buildings and structures may be acceptable and refers to Map 12, which illustrates the locations listed in the policy. The CCAP differentiates between individual tall buildings, tall building clusters and landmark buildings and indicates Ocean Village as a location for 'individual landmark buildings'. The policy itself specifically supports landmarks along the waterfront, which this site is not being set back from the waterfront. Policy AP17 confirms that a landmark is not necessarily a tall building with the glossary of the CCAP describing a landmark building as "a building which has become a point of reference because its height, siting, distinctive design or use sets it apart from surrounding buildings". This is reiterated by policy AP35 which confirms at paragraph 5.153 that "the use of innovative, distinctive and bold architectural design is supported to create landmark buildings" at Ocean Village. Policy AP35 specifically highlights the Promontory as being the site for a flagship building. This site has been subsequently developed as the Harbour Hotel.
- 6.3.2 The City Centre Masterplan provides guidance for the City Centre (where it is consistent with the CCAP) and also sets out the general locations where tall buildings may be appropriate as part of a cluster, edge or point location. The Tall Building Framework Diagram in the Masterplan also provides locations where new tall buildings would be appropriate but does not indicate the Ocean Village as an edge or cluster site for tall building, instead highlighting the promontory as a landmark building site. The City Centre Urban Design Strategy (SPD) sets out an opportunity to creating a new landmark building to the south of the Harbour Lights cinema, this site was subsequently developed to provide Sapphire Court.
- 6.3.3 The promontory site has been developed for the Harbour Hotel and the development of Admiral's Quay has seen the formation of 26 storey Moresby Tower. These buildings are located on the waterfront as envisaged by the policy position. The application proposal would, therefore, essentially result in the formation of a tall building cluster at Ocean Village along with the existing 26 storeys Moresby Tower (former Admiral's Quay reference 11/01555/FUL) and the 13 storeys Harbour Hotel, against background architecture of buildings of up to 11-storeys in height. As set out, the policy backdrop does not support the formation of a tall building cluster in this location.

- 6.3.4 Paragraph 4.168 of AP17 does include flexibility to locate tall buildings outside of the locations specified, subject to meeting the design criteria set out in CS13 of the Core Strategy and the relevant design guidance for the quarter set out in the CCAP. The guidance for the Ocean Village Quarter, set out in the CCAP, does not provide the opening for a further tall building on this site, nor elsewhere in Ocean Village. Furthermore, having regard to the comments of the Council's City Design Manager and the Design Advisory Panel, it is not considered that the proposal meets the design requirements for Ocean Village in terms of providing "innovative, distinctive and bold architectural design". Policy CS13 of the Core Strategy reiterates the importance for context-sensitive design and, since the proposed building is significantly greater in scale and massing than its immediate neighbours, also fails to provide the confidence that a tall building is appropriate for this site.
- 6.3.5 In summary, whilst the adopted Development Plan supports the principle of new residential development on previously developed land in the city centre, that makes efficient use of the land, the principle of a tall building in this location is not automatically supported by the policy framework. The site is not identified for a tall or landmark building within the adopted Development Plan and the proposal does not meet the policy requirements set out in respect of locating tall buildings in alternative locations. That said, this issue must be tested further in terms of the justification provided within the application submission and the quality of the development proposed.
- 6.3.6 The application is supported by an Ocean Village Evolving Vision which is described an informal development brief for Ocean Village. The document sets out that a masterplan was prepared by MDL in 2006 to fulfil the aim of the planning policy at that time, Local Plan policy MSA11. This 'masterplan' was submitted as a background document to an earlier planning application for the Admirals Quay development and the multi-storey car park. The public consultation exercise for that application was in respect of the planning application proposals and public were not specifically invited to comment on a 'masterplan'. The 'masterplan' described in the Evolving Vision document was not formally approved by the Council, nor was it was listed as an approved plan or document in relation to the planning application that it provided background information for. Furthermore, the planning policy that this masterplan related to has been subsequently superseded by the City Centre Action Plan. This policy, therefore, has no weight in the decision-making process and it therefore follows that the masterplan similarly has no weight in the decision-making process.

6.3.7 Furthermore, the masterplan referred to in the submitted Evolving Vision document and the context in which it was considered at the time, does not lend support for a further tall or landmark residential building in this location. The Masterplan indicated this site was appropriate for a 4-storey office development. The Evolving Vision document sets out that a taller building was envisaged for the multi-storey car park site and the proposition for Maritime Walk effectively delivers the design objectives of that scheme. However, the Panel Report for the multi-storey car park (06/00522/FUL) set out:

“The masterplan does show that an office development could, in the longer term, be accommodated above the multi-storey car park. However, there are no firm proposals to this effect. In the short term, a large scale office development would not accord with Local Plan policy following the Inspector’s Report which recommended deletion of this area as a preferred office location until public transport improvements had been achieved.”

6.3.8 This further demonstrates limited status that the Council gave the Masterplan at the time it was tabled and the absence of support from the Council for development above the multi-storey car park. It is also noted that the Design and Access Statement for the Moresby Tower application describes Admirals Quay as being the final element of the regeneration of Ocean Village

6.3.9 As such, it is considered that the Evolving Vision, which references an earlier, unadopted masterplan document does not provide the clear justification needed to locate a tall building on the application site that is also not supported by the adopted Development Plan.

6.4 Relationship to context, impact on local character, views and sight lines

6.4.1 The National Planning Policy Framework (2019) requires developments to add to the overall quality of an area, be visually attractive (as a result of good architecture, layout and landscaping) and create places with a high standard of amenity for existing and future users (para 127). Paragraph 130 of the Framework confirms that permission should be refused for development that fails to take opportunities for improving the character and quality of an area. The National Design Guide (October 2019) reinforces the NPPF’s statement that good design is fundamental to the planning process and sets out guidance for how this can be achieved in new developments.

6.4.2 The Council’s adopted policies seek high-quality, context-sensitive design which creates a high-standard of residential design. The aim of the Local Plan is to improve the quality of life for all residents of the city and it requires all new development to contribute to this. CS12 of the Core Strategy seeks better integration between the city and the waterfront by improving pedestrian connectivity and preserving key views.

- 6.4.3 Policy AP16 requires new development in the city centre to open up appropriate views of the waterfront, cruise liners and/or shipping movements from public spaces, boulevards and streets. It also requires care to be taken in terms of the impact of tall building on the waterfront and resists uniform blocks of tall buildings, those which obscure important skylines and which detract from or close strategic views. Policy AP16 also requires development to protect specified strategic views in the city.
- 6.4.4 The site is a relatively small area, located in the midst of built form of a much lower scale than proposed. CCAP policy AP16 sets out that new development should relate well to the predominant scale and mass of existing buildings in the street. The proposal clearly does not relate to the scale and mass of its immediate neighbours. The site cannot be described as a gateway site or important in the street hierarchy of Ocean Village or the city centre, where a building of prominence would be expected. The prominence of the building does not, therefore, reflect the position/importance of the site in the hierarchy of the city centre's streets and spaces.
- 6.4.5 The Council's independent design advice includes the comments of the independent Design Advisory Panel, and the City Design Manager which both confirm that neither parties consider that the chosen design approach is acceptable in terms of scale, massing nor appearance. The development's proximity to its lower-rise neighbours means that the proposed building would appear cramped and awkward in relation to surrounding development. This is particularly evident from the views provided from the south and eastern sides of the marina contained within the submitted Design and Access Statement and the Townscape Assessment. As noted in the comments received, the resultant building would dwarf the attractive neighbouring Harbour Lights cinema building and appears dominant in several the viewpoints provided, rather than complementing the city's skyline.
- 6.4.6 The Council's Historic Environment Officer notes the appearance of the proposed building in the view of the Grade II Listed Royal Pier Entrance building from Mayflower Park to the detriment of the Listed Building's dominance in this view. In addition, the building would also impose upon the setting of buildings within the Canute Road Conservation Area. It is advised that the scale, mass of the building and design approach within these vistas fail to preserve view/s to the nearby heritage asset/s that positively contribute/s to their setting and significance.
- 6.5 Composition - how the building meets the ground and the sky

- 6.5.1 In terms of the elevational design, the building is broken into 3 vertical elements which does create a bulky form of development rather than a tower of elegant proportions that can be observed at the nearby Moresby Tower. It is considered that this results in a blocky form of the city's skyline rather than a graceful or positive addition. When viewed from the north, the visual break between the 14-storey element is set back from the 24-storey element by a small recess. When viewed from the north, this results in a 37 metre length of building at 14 storey height. Similarly, the southern elevation provides 37 metre 8-storeys expanse of building. As such, the massing of the building when viewed from the public realm would appear oppressive.
- 6.5.2 Policy AP12 of the CCAP seeks the provision of new open space within Ocean Village. AP13 of the CCAP sets out standards for on-site public open space in the city centre and requires the creation of new civic spaces including an Ocean Village events space. The amount of site coverage and absence of an appreciable setting to the building further compounds the impression that the building is shoe-horned onto the site. This highlights the importance of the policy requirement for tall buildings to be provided on the waterfront in Ocean Village where the river can provide a space to buildings of significant scale.
- 6.5.3 There is a paucity of soft landscaping to the immediate ground floor area surrounding the building. An island of landscaping is proposed on the opposite side of the road, although it's disconnect with the building, isolated nature, incorporation of electricity substations and position next to operational port land means it has questionable usability and offers little to the setting of the building to provide space to the tall building. As noted by the Tree Officer, the development would result in the loss of a significant number of mature protected trees which currently make a positive contribution to the amenity of the area. Remaining trees would be pollarded which significantly reduce the positive impact that they currently have on the character of the area. Given the otherwise hard landscaped appearance to Ocean Village, the erosion of the green landscape character would further harm the character of the area. In terms of the positioning of the building, the loss of the visual link from 'north-south' pedestrian desire line which runs down the centre of this site is also regrettable.

6.5.4 The ground floor of the building includes the main entrance to the development, ancillary storage and servicing areas and residents' lounges. The Design and Access Statement emphasises the importance in providing a small commercial unit to the south of the ground floor to activate this frontage, although this is not incorporated into the final design with this area being provided as a resident's lounge with no internal circulation to the rest of the building. It's usability and therefore its ability to activate the southern ground floor frontage to the building is, therefore, questionable. The uniformity of the design approach combined with the scale and massing results in an authoritarian appearance to the building rather than a design which 'lifts the spirits' and has been assessed as harmful when set against the current development plan..

6.6 Sunlight, daylight, overshadowing and wind

6.6.1 The application is accompanied by a daylight and sunlight assessment. This concludes that, as a result of the development, the neighbouring Cobalt Court will no longer achieve the recommended BRE standards for daylight-receiving 3% less on the Vertical Sky Component. This effects windows of living spaces in two flats within the neighbouring development. The report however, notes that the affected spaces are served by other windows which would not be significantly affected by the development. On this basis it is not considered that the neighbouring residential development would experience significant harm to their amenities.

6.6.2 The assessment concludes that daylight levels will drop but not more than to be expected within an urban setting and that the development does not impact on access to direct sunlight. Furthermore, it is noted that neighbouring amenity areas will receive more than 2 hours of sunlight, unaffected by over-shadowing on the Spring equinox, as the guidance requires. The proposal is, therefore, considered to be acceptable in this respect. Whilst neighbouring commercial properties are not assessed this is in accordance with the Council's own policies and guidance which require the protection of living spaces rather than working spaces.

6.6.3 The application is also accompanied by a Wind Comfort Analysis. This demonstrates that the development would have a minor adverse effect on the wind climate of the surrounding area but that all areas around the building will be safe for all users. The development is, therefore, considered to be acceptable in this respect.

6.7 Privacy and Outlook

6.7.1 Separation distances between the proposed development and neighbouring buildings range from approx. 17 to 20m. The nearest residential development, Cobalt Court is set at a slightly angled position in relation to the development. Whilst this is slightly less separation than the standards set out in the Residential Design Guide, this document encourages flexibility, particularly in denser locations. The separation distances achieved are considered to be typical within a city centre context and, as such, are not considered to result in particularly harmful over-looking or inter-looking between developments and would ensure an acceptable level of outlook from the neighbouring development.

6.8 Quality of Residential Environment

6.8.1 The size and layout of flats are generally good with habitable rooms having sufficient outlook, daylight and privacy. Residents have access to communal lounges and gym facilities. The application sets out that all flats will be mechanically ventilated with a sound insulated façade. The Council's Environment Health team are satisfied with this approach in terms of ensuring that the development does not suffer from undue noise and disturbance from the neighbouring port. As such the quality of accommodation is considered to be generally acceptable and it is not considered that the development would impede the 24 hour operation of the Port.

6.8.2 In term of amenity space, the external area provided on the opposite side of the road is considered to have limited value as private communal amenity space, given its remoteness to the flats and location adjacent to the public highway. The flats themselves do not benefit from private balconies and instead rely on two communal roof terraces totalling approx. 600sq.m of space. The wind assessment concludes that the roof terraces will be fit for use by residents. The amount of private amenity space is well less than the 20 sq.m of space that the Residential Design Guide indicates is appropriate for each new dwelling. It is accepted that in the city centre, provision of less external space may be acceptable taking into account the need to make efficient use of land, the typically flatted nature of development and the all-round benefits of city centre living which provides convenient access to other facilities. It is also noted that the nearest public green open space is approximately 500 metres from the site. On balance, and taking into account the otherwise good quality nature of accommodation, this deficit in amenity space is considered to be acceptable. Furthermore, the publicly accessible waterfront at Ocean Village also provides amenity for residents and visitors alike.

6.9 Parking Highways and Servicing

- 6.9.1 The City Centre Action Plan confirms at paragraph 4.194 that there is sufficient capacity of car parking spaces in the city centre and the overall aim is to maintain rather than to increase the level of car parking. It goes onto confirm that it may be appropriate to close and redevelop some of the existing inner-city centre car parks. The retention of the existing car parking on the site is not required by the policies of the adopted Development Plan. CS18 of the Core Strategy confirms the Council's commitment to a modal shift to more sustainable modes of travel by promoting developments that reduce the need to travel by private car. This is also reiterated in the City Centre Action Plan. The redevelopment of the existing car parking would accord with this aim.
- 6.9.2 The application is supported by information to justify both the loss of car parking and the level of car parking proposed to serve the development. A total of 10 car parking spaces are proposed to serve the development. The City Centre Action Plan sets out that, for this type of development, a maximum of 203 spaces should be provided. The level of car parking proposed is well less than the standard set out, however, as noted, these are expressed as a maximum requirement rather than minimum, in order to promote more sustainable patterns of development. It is not unusual for substantially less than the maximum standard of parking spaces to be provided within the city centre given its excellent access to shops, services, amenities, employment and public transport opportunities. The streets within Ocean Village are privately owned and maintained and subject to parking restrictions which limits the potential for over-spill car parking. On this basis officers have not sought a parking survey to support the proposed shortfall. Furthermore, in such circumstances, there is an element of buyer beware where new residents moving into the development would be aware that they would not be able to park a car on the site or immediate area.
- 6.9.3 The application sets out that residents could purchase permits for a nearby existing multi-storey car park for development, also within their control, setting out that there is capacity within the existing multi-storey car park for users displaced from the application site. The evidence provided with the application does support this approach. That said, were the option to use the multi-storey car park not available, the level of car parking proposed would still ultimately meet the policy requirement. Given the controls that exist on surrounding streets, there is no clear evidence of harm that would result from the low amount of parking provided on site.

- 6.9.4 Policy AP19 of the CCAP confirms that the Council will promote an enhanced network of streets and spaces including new or enhanced high-quality strategic links. This includes the Ocean Village Link which connects the main shopping area to Ocean Village via Oxford Street. The policy confirms that a financial contribution towards securing the links may be required. Subject to the measures to support sustainable travel, the application is, therefore, considered acceptable in this respect.
- 6.9.5 Overall, the development is considered acceptable, although public realm and cycle link improvements should be included to promote sustainable travel and to help mitigate the impact of a large residential development here.

6.10 Air Quality and the Green Charter

- 6.10.1 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.10.2 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.10.3 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth.
- 6.10.4 The application seeks to address these aims by:
- Meeting the Council's standards set out in CS20
 - Promoting cycling as a sustainable form of transport and limiting on-site car parking to discourage private car travel
 - Delivering housing in a city centre location.

The application site is approximately 500 metres from the nearest Air Quality Management Area and an Air Quality Assessment has been provided with the application which concludes that the proposal would not have a detrimental effect on the city's air quality. The Assessment is prepared by a reputable expert in this area and, subject to further measures being sought by planning condition, the Council's Air Quality Team are satisfied with the conclusions of the report.

6.7 Mitigation of direct local impacts

6.7.1 In accordance with the adopted Development Plan and the Developer Contributions Supplementary Planning Guidance, to mitigate the impact of the scale and nature of the development on the surrounding area, the following package of measures would need to be secured before planning permission could be granted:

- Site specific highways
- Carbon Management
- Mitigation of the effects on the Natura 2000 sites
- Public Art
- Highway condition survey
- Employment and skills plan
- Affordable Housing (still needed even if waived as we have viability review clauses etc.)
- Flood Management Plan
- Refuse Management Plan

6.7.2 The request for a financial contribution by the NHS Trust to support this development forms a material consideration in the determination of this planning application. The representation seeks a contribution towards additional healthcare activities as a result of population increase without being specific. The NHS Trust are not seeking a contribution to infrastructure or the maintenance thereof. Consequently, regulation 123 of the CIL Regulations (2010) does not come into play. There is a reference to a formula, which it considers to comply with regulation 122 and not amount to a generalised tariff.

6.7.3 In response to the NHS Trust's request it is considered that the application cannot be refused in the absence of the contribution requested as the request does not specifically meet the tests in regulation 122 in respect of being necessary to make the development acceptable in planning terms, being directly related to the development itself, and being fairly and reasonably related in scale and kind to the development. Para 54 of the NPPF (2019) states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations. Officers have concluded that the development is not unacceptable (in other words, that it is acceptable); there is no demonstrable harm in this regard and there isn't a sufficient degree of nexus between people living in this development (rather than elsewhere) and the impact on the NHS Trust's operations, which can only be identified in general terms based on a statistical analysis of population growth. The requests for contributions towards service provision are predicated on population growth. However, the construction of this development does not in itself lead to population growth. The need for housing is a consequence of population growth. More people aren't living in the country or in Southampton directly as a consequence of the development of housing and there is no direct evidence in respect of this development. In officers' view therefore, the impact on the cost of running of healthcare facilities is not a harm caused by this development per se, and the external cost of supporting population growth (as sought by the NHS) is not imposed by the development. As such, for these reasons, whilst supporting the NHS Trust is clearly desirable it is considered that the requested contribution is not sufficiently directly related to the development, and not necessary to make the development acceptable in planning terms. Furthermore, it is not considered that this request identifies any clear tangible need specifically related to/from this development proposal on this site. Finally, the Trust have been advised that they could apply for current (and proposed) contributions received through the Community Infrastructure Levy (CIL), as healthcare is specifically listed by the Council as an area of expenditure for which CIL funding is directly related.

6.7.4 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. This assessment has been independently tested by the District Valuation Service who agree with this conclusion.

6.7.5 The applicants have based their assessment on the developers return approach with no affordable housing and their updated assessment shows a negative profit of £1,193,173 (-2.82% of GDV), which they state is not viable but the applicants are willing to accept the profit level seeing the construction of private rental flats as a catalyst for future development on their remaining estate. DVS reach a different conclusion and suggest that on the basis of a scheme of 199 Build to Rent private units, including 161 sq m of commercial with CIL/Section 106 obligations of £2,092,869 and a BLV of £1,350,000 the scheme shows a small profit of £473,104 which although positive is only 1.12% of GDV and is not viable against the benchmark of 10%. Either way nil affordable housing is currently viable and DVS have questioned why the development is coming forward at this tie given the limited profit that could be secured.

6.7.6 Policy CS15 of the Core Strategy, which sets out the requirement for affordable housing provision, confirms that development viability will be considered in arriving at the level of affordable homes that could be achieved on a development site. This is consistent with paragraph 205 of the National Planning Policy Framework which confirms that, where obligations are being sought, planning authorities should take market conditions into account and be sufficiently flexible to prevent planned development being stalled. Taking these factors into account it is considered justifiable in this instance. Affordable housing forms part of the second reason for refusal so as to alert any appeal of the need to review the viability as time progresses through the course of the development as the market conditions may change.

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. The application is accompanied by a report to inform a Habitats Regulations Assessment. This concludes that, if mitigation is not secured, that the project would have an adverse affect on the European designated sites. As such, in the absence of a mechanism to secure a scheme of mitigation measures, the application should also be refused for this reason. In the event that the recommendation had been favourable it would have been supported by a Habitats Assessment outlining this issue in more detail

7. Summary

- 7.1 Whilst the principle of continuing development is welcome, particularly in challenging economic times, the adopted policy framework does not support the location of individual tall buildings on this site nor the formation of a tall building cluster at Ocean Village. The adopted Development Plan instead points to the creation of landmark buildings on the waterfront. The National Design Guide is clear that tall buildings have the potential to create positive local landmarks, only where they are well designed. The application proposal however, results in a building of excess bulk and massing that dominates neighbouring development and views of Ocean Village, including strategic views of valued heritage assets in the city. As such, the proposal is considered to result in significant harm to the character and appearance of the area which justifies the refusal of planning permission.

8. Conclusion

- 8.1 It is recommended that planning permission is refused for the reasons given at the start of this report.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

JT for 03/11/2020 PROW Panel

Application 19/01145/FUL
POLICY CONTEXT

APPENDIX 1

**Local Development Framework Core Strategy Development Plan Document
(Amended Version March 2015)**

- CS1 – City Centre Approach
- CS4 – Housing Delivery
- CS5 – Housing Density
- CS6 – Economic Growth
- CS7 – Safeguarding Employment Sites
- CS12 – Accessible and Attractive Waterfront
- CS13 – Fundamentals of Design
- CS14 – Historic Environment
- CS15 – Affordable Housing
- CS16 – Housing Mix and Type
- CS18 – Transport
- CS19 – Car and Cycle Parking
- CS20 – Tackling and adapting to Climate Change
- CS22 – Biodiversity and Protected Species
- CS23 – Flood Risk
- CS24 – Access to Jobs
- CS25 – Delivery of Infrastructure and Developer Contributions

City Centre Action Plan (Adopted Version March 2015)

- AP9 – Housing Supply
- AP12 – Green Infrastructure and Open Space
- AP13 – Public Open Space in New Developments
- AP15 – Flood Resilience
- AP16 – Design
- AP17 – Tall Buildings
- AP18 – Transport and Movement
- AP19 – Streets and Spaces
- AP35 – Ocean Village

City of Southampton Local Plan Review (Adopted Version 2nd Revision 2015)

- SDP1 – Quality of Development
- SDP4 – Development Access
- SDP5 – Parking
- SDP10 – Safety and Security
- SDP11 – Accessibility and Movement
- SDP12 – Landscape and Biodiversity
- SDP13 – Resource Conservation
- SDP14 – Renewable Energy
- SDP19 – Aerodrome Safeguarding
- HE1 – New Development in Conservation Areas
- HE3 – Listed Buildings
- NE1 – International Sites

H1 – Housing Supply
H2 – Previously Developed Land
H7 – The Residential Environment

**The Community Infrastructure Levy Charging Schedule April 2013
Supplementary Planning Documents and other guidance:**

Developer Contributions Supplementary Planning Document April 2013
Parking Standards Supplementary Planning Document September 2011
The Residential Design Guide 2006
The City Centre Masterplan September 2013
City Centre Urban Design Guide Supplementary Planning Guidance 2000

Application 19/01145/FUL

APPENDIX 2

Relevant Planning History

19/01189/SCR – Environmental Impact Assessment Not Required 18.05.2020
Request for a Screening Opinion under Town and Country Planning Environmental
Impact Assessment, Regulations 2017 for erection of a building ranging from 11 to
25 storeys to provide 223 flats

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19/01145/FUL - Car Park Adjacent to Tagus House Maritime Walk, Ocean Way Southampton

Design Comments

From what I can see there has been only minor changes to the previous scheme that we looked at and insufficient to remove the objection/concerns of the Design Advisory Panel. My concern which is echoed by the DAP is that there is no place/context driven justification presented for a tall building in this precise location. The basis of the application accepts this as a given and in essence presents only two reasons for the location. The first being that MDL's previous master plan 2008 (not publicly endorsed) had shown a tall building that wasn't developed on the now constructed multi-storey car park, and that because that wasn't built it's ok to move that tall element to this site, even though the MDL master plan showed this site for a maximum 4 storey office development. Secondly that this is the quantum of development required to deliver a viable proposal for the PRS residential scheme. Neither of which are design justifications.

We have been consistent from the outset that this area could quite possibly allow for a tall building, or perhaps even a cluster of tall buildings provided that the justification was set out in a clear development framework/master plan including a vision and design rationale/principles developed to guide future development within Ocean Village, where the local character and context is analysed to determine what the special characteristics of place are for this site. As the submission does not do this we are therefore left only in a position to assess the building in isolation against policy and guidance set out in the NPPF, the National Design Guide, and SCC's City Centre Action Plan Policies AP16 Design, AP17 Tall Buildings and AP37 Ocean Village and it is clear in that context that a standalone building is unacceptable

NPPF Section 12

Based on Section 12; Achieving well-designed places, and the six criteria a-f set out in paragraph 127, the building will not function well, or add to the overall quality of the area given its near total dominance of the site. Based on the observations of the Design Advisory Panel it does not demonstrate good architecture, layout or effective landscaping. It does not appear sympathetic to local character given its scale and mass relative to its immediate surroundings and its lack of justification for height relative to the wider principal landmark of Moresby Tower.

By essentially only delivering within the site boundary the proposal can't create a sense of place because the application is not committing to deliver any wider improvements to the streets or spaces network that could provide a welcoming and distinctive place to live work or visit, which is recognised as a key weakness of the existing Ocean Village Estate. It is largely a single use residential development which doesn't deliver any significant or particularly useable green or other public space and shows little evidence as to how it will support public transport facilities. It is also difficult to understand how, because of the lack of any wider public realm, that it can promote health and well-being and in addition much of the ground floor on the south side of the building is dead frontage, and in combination with the standalone cycle store it is again difficult to see how this also promotes safety and security of users through a lack of natural surveillance.

With regard to paragraphs 128 and 129, despite consultation with ourselves, the Design Advisory Panel and the public no significant change has occurred throughout the design evolution to address the fundamental issues raised over the proposal and its design. Paragraph 130 of the NPPF is clear that "permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions." For the reasons outlined above this development has failed to do so and therefore should be refused.

National Design Guide

The NDG defines the 10 characteristics that should be used to assess the place merits of an application

Context

As the site is almost entirely built development of a significant scale and mass for the size of site it fails to address its wider character and context and makes the assumption that this is the right location and scale for a tall building without presenting a design rationale for that justification. The Design and Access Statement effectively flows from that assumption rather than setting out a compelling context driven case for the site itself. It therefore fails to sufficiently address its context

Identity

The NDG identifies that good place is defined by more than an individual building.

This site is largely covered by a single standalone building and the submission hasn't presented any concrete proposals as to how it will integrate with the wider area by delivering significant public realm and green space improvements concurrent with the construction of the building. Public realm and green space is identified as a key feature in creating an identity to a place.

Movement & Built form

Movement and Built form identifies the key importance of delivering compact and walkable developments. Currently the pedestrian environment is recognised as very poor being dominated by cars either in the form of highway or surface parking which is why the council has been so keen to seek an endorsed development framework/master plan for the wider area and the submitted scheme does not include any committed proposals to improve the pedestrian environment beyond the site, relative to the magnitude of development.

Nature & Public spaces

The landscape proposed is confined to the margins defined by what's left after the building and service requirements are accounted for. Given the number of trees that will be lost from the site to facilitate the building this does not represent any substantial gains in biodiversity or amenity value. No significant public space is created by the development and there are no firm proposals to upgrade existing or define new public spaces within the area.

Uses

The building is largely dominated by a single land use, residential. Much of the south facing ground floor façade is dead frontage in the form of bin and cycle storage

Homes and Buildings

A considerable number of apartments have a north aspect which is less than ideal both in terms of energy consumption and well-being of occupants

Resources and Lifespan

The building doesn't appear to be offering anything exemplary or innovative with regard to energy provision

SCC CCAP Policy AP16 Design

The policy states that buildings must relate well to the predominant scale and mass of existing buildings, which in the case of Ocean Village range between 2 and 9 storeys. There is only one other building Moresby Tower which is of a comparable height. The scale of the immediately adjacent buildings, OVIC and Tagus House is only 3 storey. The proposal doesn't present a justification for an increase in height to 24 storey relative to the buildings immediately surrounding it, which is surprising as in the earlier MDL master plan 2008 (not publicly endorsed) the site had been identified for a 4 storey office block. Although the

reduction in the height of the wings is a positive move, at 15 storeys including roof parapet frame the east block is still a not inconsiderable building relative to its neighbours. The proposal does not deliver “an enriched public realm, defining a clear hierarchy of streets and spaces.” This could only be provided by an endorsed development framework/master plan. The quality of that minimal space that does exist around the building is additionally heavily compromised by the scale and location of the freestanding cycle store. The development does not adopt a “perimeter block form” being a standalone building, does not relate to a human scale, nor leads to improved permeability or an extension of the Green Grid. Indeed a mature stand of Alder trees are to be removed to facilitate the development. The proposal does not through its design strengthen the appreciation of the city centres heritage as the architecture has no specific or distinctive elements which place it as a building inspired by its location.

SCC CCAP Policy AP17 Tall Buildings

This policy encourages tall buildings along the waterfront provided that they accord with AP16, any other relevant site policies, and are assessed in the wider context to ensure the appropriateness of the location. Although visible by means of its scale the building, unlike Moresby Tower, does not directly stand on the waterfront and does not define a destination or define a key space and is therefore unacceptable.

SCC CCAP Policy AP35 Ocean Village

The policy requires that development “uses innovative and distinctive architectural design” Given the concerns raised by the Design Advisory Panel the development fails to align with this policy requirement

Conclusion

Following the review of the submitted proposals against relevant National and Local design policy and guidance, and following the previous reviews by the Design Advisory Panel the re-submitted scheme remains unsatisfactory in design terms

Darren Shorter
Urban Design Manager
21/04/2020

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DESIGN ADVISORY PANEL

5th May, 2020

Confidential Briefing Note

Owing to COVID-19 restrictions the Panel commented independently on the scheme and the comments received are listed below

APPLICATION No: 19/01145/FUL

ADDRESS: Car Park Adj Tagus House Maritime Walk, Ocean Way Southampton

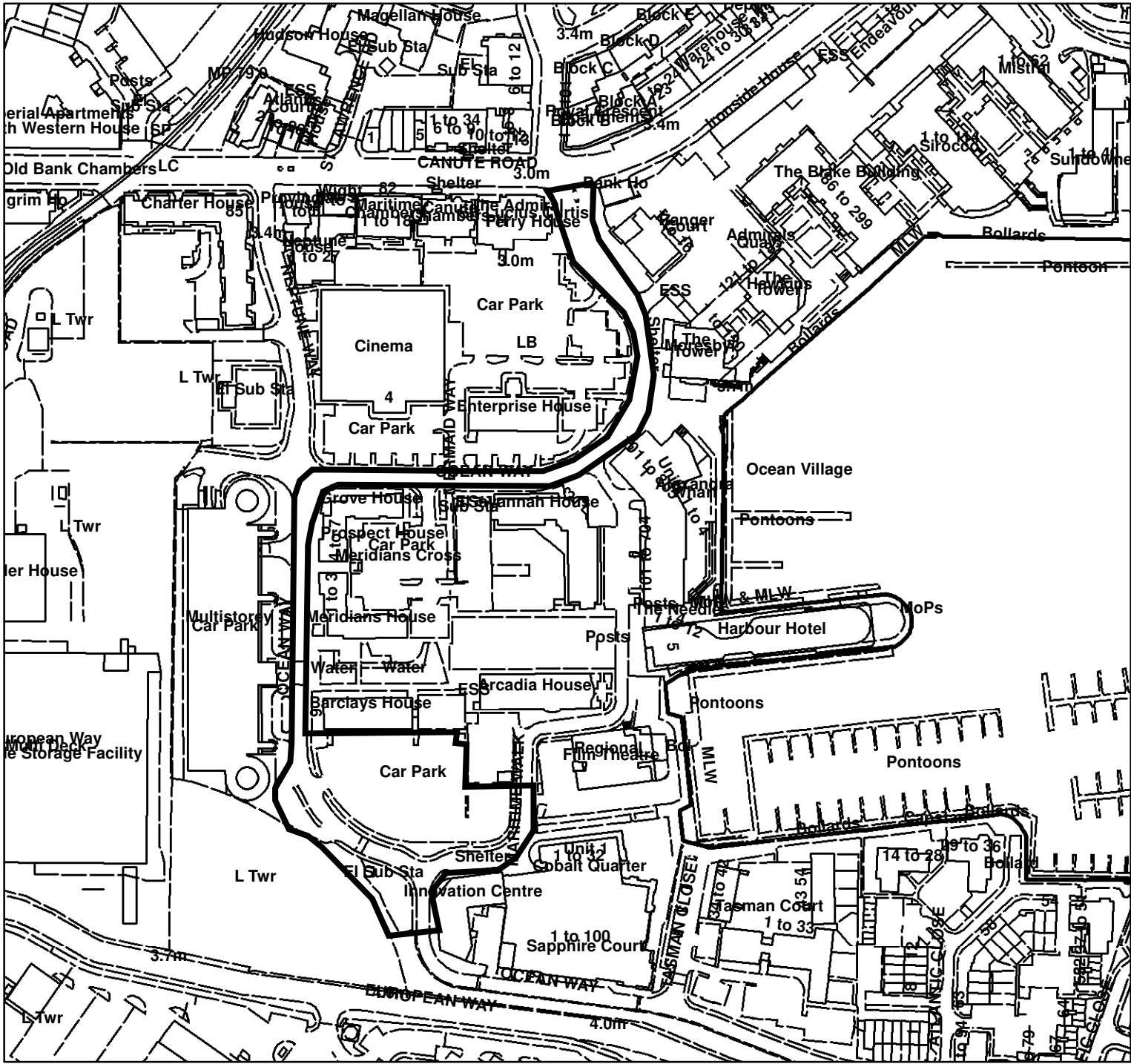
- The revised proposals, which amounts to a relatively small reduction in height, does not satisfactorily address any of the panel's previous concerns.
- The massing of the building does not fit into any context that currently exists (or is planned) and is hard to justify without a full masterplan. From the 3d context CGIs, the building looks awkward and somewhat stranded, further reinforcing the design panel's concerns. If the site had a marina frontage, height might be more justifiable against the waterside.
- When other adjacent sites are redeveloped in years to come, this proposal would form an unnecessary constraint that would severely compromise this important and potentially prestigious city quarter. Creating spaces around which buildings sit, will be crucial to making a quality piece of urban design with a true sense of place that contrasts with the 1980s 'business park' character of this existing part of Ocean Village.
- The lack of resolution to spaces at ground level (which is essentially a car park and service area) further reveal the compromises of designing a large building on a small site that does not comprehend its future setting.
- The amended DAS is very clear on all aspects of the design apart from the central issue which is: Why a tall building in this specific location in the City? In the absence of this there is no justification for the Panel to change its previous opinion.
- It appears they have looked to reduce some of the height on the towers. But this makes no real impact on the overall form and volume of the three towers. This is not responding to the overarching issues the panel had at the last meeting. The big question is, can this part of Ocean Village and Southampton either take or justify a

CONFIDENTIAL FOR PREAP ITEMS

tower. It is concerning when you study the Townscape element of the document, that all of the recent new schemes in Ocean Village are beginning to compete and overshadow one another. If you look at page 38, this for me is the most revealing set of images, their scheme absolutely towers over and dwarfs the Harbour Lights Cinema.

- The tower is still way to bulky in its overall form. A tower might work on this site if it was one element and it was elegant, but this is not.
- The tower does nothing to at ground level, the landscaping and public realm could be an amazing offer to this part of Ocean Village if there was a fantastic public plaza created under the towers.
- They have avoided addressing the panel's fundamental question and issue, which is to review and justify the tower through some form of over-arching masterplan review.
- A tall building might be ok in this location but would want the ground floor to respond to the site in some way? Instead the 3 elements of the tower hit the ground and the rest of the external space is then given over to car parking. This is poor and should respond to the street including greater active frontage
- The building still doesn't offer much at ground level. The recent changes appear to be minimal.
- The reduction and change in mass from that presented as a symmetrical form in March 2019 go some way to improve the scheme, but the justification for height is still lacking. The 'elevational datum diagrams' begin to describe a contextual response, but the verified views illustrate that the proposal will dominate from a number of viewpoints.
- Without a masterplan, it is hard to know whether this is the right site for a tall building. Given it is one block removed from the waterfront, should it be judged as a counterpoint to the Moresby Hawkins tower, or as the first in a number of new towers creating a completely different skyline?
- A masterplan is needed before this proposal could be supported.

19/01145/FUL



Scale: 1:2,500



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Planning and Rights of Way Panel 3rd November 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: Unit 2, Leornain House, Itchen Business Park, Kent Road, Southampton			
Proposed development: Change of use to storage and distribution (Use Class B8). Siting of a shipping container and re-siting of commercial waste bins (Retrospective).			
Application number:	19/01469/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	23.10.2019	Ward:	Portswood
Reason for Panel Referral:	Request by Ward Member & five or more letters of objection have been received	Ward Councillors:	Cllr Mitchell Cllr Savage Cllr Cooper
Referred to Panel by:	Cllr Savage	Reason:	Impact of HGV's on highways network and residential amenity.
Applicant: Byronswell Ltd.		Agent: Goadsby Planning & Environment	

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Appendix attached	
1	Development Plan Policies.
2	A simplified guide to lorry types and weights
3	Palletmove decision notice '20/00954/FUL'

Recommendation in Full: REFUSAL

01.Impact on neighbouring business operations and sewage disposal associated with the Portswood Waste Water Treatment Works & highways safety.

On the basis of inadequate plans and supporting information, and owing to the proximity of the site to neighbouring businesses and the access to Portswood Waste Water Treatment Works; and the access into the parking area associated with the business park the Local Planning Authority is not satisfied that the proposed use can be adequately serviced by vehicles (in particular large articulated commercial vehicles) without obstructing access to other businesses and access to the Portswood Waste Water Treatment Works. The proposal therefore prejudices the operation of neighbouring businesses and the Waste Water Treatment Works and undermines the vitality and viability of Itchen Business Park. Failure to demonstrate safe vehicle tracking might also lead to servicing vehicles having to reverse back

out onto Kent Road (and vice versa) which would also represent a highways safety hazard. There is also no confirmation that the development would have indefinite and unfettered access over the likely amount of space required within the private roads to perform the turning manoeuvre. As such the proposal is considered contrary to the provisions of Policies SPD1 (i) and TI 2 of the City of Southampton Local Plan Review (2015) and CS6 and Cs18 of the amended Local Development Framework Core Strategy Development Plan Document (2015); as supported by the NPPF (2019).

1. **Background**

- 1.1 The retrospective application has been submitted following a planning enforcement enquiry, dated 10th April 2019. The enquiry was initiated as a result of alleged harm caused by large/heavy commercial vehicles, associated with the proposed storage use, using Kent Road to access and egress the site and site access is the principal issue for consideration of this planning application.
- 1.2 *It should be noted that lorries are permitted to use any classification of road for access and deliveries.* HGVs currently use Kent Road to service the Wastewater treatment works, business premises within Itchen Business Park and to serve housing within the street (deliveries/removals/refuse collection). There are no parking restrictions within Kent Road and vehicles can park on either side of the street, however any vehicle owner parking in a manner that obstructs the flow of traffic (including any vehicles permitted to use the road), is at risk of a penalty fine under Section 137 of the Highways Act 1980. It is understood that TRO parking restrictions could be introduced to remove some kerbside parking from Kent Road to ensure parked vehicles do not obstruct all permitted vehicles using Kent Road, however such a measure would require public consultation with local residents and does not form part of this recommendation.
- 1.3 The report refers to a number of different standard vehicle sizes for clarity a simplified guide to lorry types and weights from the Drivers and Vehicle Standards Agency is provided at **Appendix 2**.
- 1.4 The business 'Bryonswell', which operates out of the application site, collects donated clothes and textiles for resale. Various sized commercial vehicles are used to collect donations and deliver them to the building within the application site for sorting. Once sorted the clothing and textiles are then transported by large articulated vehicles to continental Europe for resale. Bryonswell was established in 2008.
- 1.5 The planning application seeks a retrospective change of use from a training centre associated with the waste water treatment works (granted by permission 1458/C10 (1973) to storage and distribution (use class B8).
- 1.6 Adjacent to the site is another plot within the business park which was also the subject of a recent planning enforcement enquiry due to large/heavy commercial vehicles requiring Kent Road to access and egress the site. The business, 'Palletmove', operates from the site and successfully gained planning permission on the 6th October 2020 following Panel consideration. Permission was granted with conditions including:
1. Restricted use – personal consent.
 2. Hours of use (8:00 – 16:00 Mon – Fri)
 3. Business operations location restriction – no business operations including loading or unloading outside of the fenced enclosure.
 4. No vehicles with more than 3 axles, or which are articulated, or which exceed 26 tonnes shall be used on the site or used to service/deliver to or from the site
 5. No storage of refuse on outside of the fenced area other than on collection days.

The decision notice is copied as **Appendix 3**.

- 1.7 To the north of the site is Portswood Waste Water Treatment Works. The works benefit from a historic planning permission whereby there are no restrictions on the type/size or number of vehicles used to service the site.

2. The site and its context

- 2.1 The site is formed of part of the former Portswood Waste Water Treatment Works that has since become the Itchen Business Park, which alongside the Portswood Waste Water Treatment Works is accessed from Kent Road. Situated at the eastern end of the building, Unit 2 Leornian House, has a floor area of 208 square metres. The majority of floor space is used for storage, although there are also two ancillary offices. There is a loading bay located on the front elevation which is accessed from the shared car parking area.

- 2.2 Retrospective permission is also being sort for a container required to provide additional storage space, and commercial bins located to the east of the unit.

- 2.3 There are four other operators within the business park, three of which are also within Leornian House, which are:

1. Ash creative wireless electronics,
2. Wessex Drivability, a charity who specialise in helping disabled or those with a disability to drive independently,
3. Covenant Church; and
4. Palletmove; which operates from the open storage area to the east.

- 2.4 The site is situated within the northern part of Portswood, immediately to the west of the River Itchen. To the north are filtration tanks and an open area used by Southern Water. The Southampton to London railway line is to the west. There are houses to the south, accessed from Saltmead. This also provides access into the site. Kent Road is a narrow resident's street which links to the arterial St Denys Road (A3035) to the south and to Portswood Road to the north via a railway and road bridge. There is a height restriction for vehicles passing under the railway and road bridges to the north of 8ft 9in (2.6m).

- 2.5 Within the front forecourt of Unit 2 there are three allocated parking spaces. All other onsite parking is within the demise of Unit 1.

- 2.6 Narrow residential streets surrounding the site result in a high percentage of parked vehicles straddling the pavement. Kent Road is the main vehicle route used by large commercial vehicles associated with Southern Water's waste water treatment works and other commercial vehicles, including large vehicles (three or more axels) visiting the business park.

3. Proposal

- 3.1 Retrospective planning permission is being sought for the change of use of the land from use class D1, training associated with Southern Water's occupancy of the site which started in 1973, to a storage and distribution use (class B8) associated with 'Byronswell', a clothing and textiles recycling company. The business was established in 2008 and has partnership agreements that aim to fund raise for children's charities. The application form suggests the business supports 8 full time jobs and operates between 8:30am and 5pm (Mon-Sat).

- 3.2 The application includes the retention of a shipping container that is used for overflow storage. It is also proposed to re-site the commercial refuse bins from the forecourt to the side of the building. A new dropped kerb will facilitate easy collection. The shipping container and bins are located on land which was previously laid to grass and provided as an area of soft landscaping.
- 3.3 The applicant Byronswell Ltd. deals with textile re-cycling through the provision of textile banks and house to house bag distribution and collection. Clothes, shoes, bags, bedding and bric a brac are collected and sold on to buyers in Eastern Europe and Africa. A proportion of the money generated is donated to charity. The vehicles used to deliver the textiles to the unit are light goods vehicles with two fixed axels; once sorted an articulated vehicle with three or more axels and which exceeds 26 tonnes is used to transport the goods off site for resale.
- 3.4 To identify the number of servicing vehicles that visit the site a survey was requested from the applicant. The submitted results cover a period from 18th November 2019 to 15th October 2020 (364 days/approximately 12 months). However the Christmas break was between 17th December and 14th January (27 days) and there was also a pause in operation between 19th February and 28th May due to Covid-19 (100 days) and so the overall working length of time is 237 days. During that time the results identify that there were 12 (possibly 8) articulated vehicles associated with this company that visited the site and used Kent Road for access/egress therefore resulting in potentially 16 journeys along Kent Road (8 in and 8 out); although it is acknowledged that on at least two occasions articulated vehicles arrived at the site and then departed on the same day to visit a weighbridge and then returned the same or following day. Some vehicles stay overnight also or over a weekend which spread the impact over a longer time period. This averages out at one servicing vehicle driving up and down Kent Road every 20 days so approximately one every 3 weeks. The applicants findings have been questioned by neighbouring residents.
- 3.5 Non articulated vehicles visiting the site are more numerous. During the assessment period a total of 155 vehicles visited the site using the Kent Road north/under the railway bridge therefore resulting in 312 journeys under the bridge. This works out to be one servicing vehicle driving up and down Kent Road north (under the bridge) every 1.5 days.

4. Relevant Planning Policy

- 4.1 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**.
- 4.2 The National Planning Policy Framework (NPPF) was revised in 2019. 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.
- 4.3 The National Planning Policy Framework (NPPF) states in section 6. ‘Building a strong, competitive economy’ paragraph 80: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant*

weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

- 4.4 Paragraphs 109 and 110 of the NPPF sets out clear circumstances when planning applications should be prevented or refused on highway grounds indicating:
'109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
110. Within this context, applications for development should:
- a. *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b. *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c. *c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d. *d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e. *e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'*

- 4.5 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5 ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape.

5. Relevant Planning History

- 5.1 The earliest planning history for the site, detailing the use as a waste water treatment works, held by the City Council, is 1959 whereby an extension to the existing works was approved.
- 5.2 In 1973 permission was granted for a training centre (D1 use) associated with the waste water treatment works (1458/C10). The training centre took the form of the buildings at the southern end of the site. Those buildings are now occupied by a place of worship approved in 2008 (07/01989/FUL), Ash, a wireless electronics company, Wessex drivability, a charity who specialise in helping disabled people or those with a disability to drive independently and the site/unit which is the subject of this retrospective application.
- 5.3 Planning permission 960043/7072/W was granted on 12th March 1996 for the change of use of part of the wastewater treatment works site to an area proposed for the storage of materials and plant and operated by 'Pipeworks Ltd. The permission was granted having consideration to the applicant's personal circumstances and accordingly a restrictive condition was added so that the operation of the site for vehicle parking and material/plant storage could occur only for the benefit of 'Pipeworks' (condition 3 refers). Other conditions were also applied, including hours of use.
- 5.4 In 2013 retrospective planning permission was granted for part of the former waste water treatment works to be used as an area for car parking for cruise ship and airport passengers (13/01020/FUL). The application covered the site area associated with the

Pipeworks consent as well as an additional area to the south east. Condition 3 specified that the use allowed the parking of a maximum of 125 cars and for the car parking layout to be in accordance with the submitted and approved plans.

- 5.5 Once the car parking for cruise ship and airport passengers use of the site had ceased part of the open storage area previously used for vehicle storage became occupied by McNicholas Construction Services Ltd. McNicholas used the site for the storage of construction related equipment and vehicles needed to service their development projects within the local area/region. This use didn't secure the correct planning consents.
- 5.6 A planning enforcement notice (EN), dated 1st December 2017, was served on McNicholas as the Council considered that a breach of planning control had occurred in the past 10 years. The breach of permission being the use of the land for the storage of plant, equipment and vehicles (use class B8); rather than the permitted storage of cars associated with cruise ship and airport customers (*sui generis* use).
- 5.7 The enforcement notice was appealed by McNicholas, however the appeal was dismissed by the inspector who agreed with the council that there had been a breach of planning control on the site on the basis that car parking for cruise ship and airport passengers is a *sui generis* use. The Inspector did not consider the merits or otherwise of the site's vehicular access.
- 5.8 Part of the waste water treatment works site was also proposed to be re-developed into 41 dwellings in 2007 however the application was not supported.
- 5.9 Within the waste water treatment works itself there have recently been two planning applications that have been approved by the Planning and Rights of Way Panel. The first, in June 2018, was granted for the construction of a 20 Mega Watt gas standby facility and in January 2020 planning permission was granted for the construction and operation of a motor control centre kiosk, poly dosing kiosk and polymer powder handling kiosk (3 detached buildings) These developments facilitated the operation of two centrifuges which removes water from sewage thus reducing its volume prior to further processing and disposal. Within the application approved in January 2020 it was confirmed that there would be a total of 24 HGV trips associated with the improved dewatering process on site (12 in and 12 out) per week. The use of the infrastructure was set to start in April 2020 given that that date would see the end of the operational lifespan of the existing barge used to transport liquid waste (sewage sludge).
- 5.10 Retrospective planning permission has also been granted for the neighbouring site to the east which since November 2016 has been used in association with the business 'Pallettmove Ltd' (20/00954/FUL). The application was approved by the Planning Panel on the 6th October 2020 with conditions; the decision notice is included as **appendix 3**.

6. Consultation Responses and Notification Representations

- 6.1 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 **04.10.2019**. At the time of writing the report **19** representations have been received from surrounding residents, as well as an objection and request that the application goes to planning panel for determination by Ward Councillor Savage. The following is a summary of the points raised:
- 6.2 ***Kent Road and Priory Road cannot support the weight and size of large/heavy commercial vehicles (in particular articulated vehicles) resulting in damage to***

roads, private vehicles and houses.

Response

- Damage to houses and cars locally cannot be categorically attributed to traffic associated with the business. Residents would need to settle any disputes with businesses as a civil matter.
- The Highways Development Management Team do not object to the application on the basis of road damage. There are no weight restrictions or limits on local roads preventing access by large/heavy commercial vehicles
- Driver behaviour, and highway laws, rather than planning permission, will control traffic speeds.
- Separate legislation is used to enforce traffic speed.

6.3 *Use of shipping container for storage will increase frequency of large/heavy commercial vehicles.*

Response

- Use of the shipping container increases the storage potential on site. The purpose is to facilitate a more efficient collection and distribution operation and enables large/heavy commercial vehicles to be loaded/filled before being transported to Europe for resale. Without the storage container it is likely that there would be a greater frequency of trips to and from the site however the operation would be less efficient.
- There is no visual harm caused by the shipping container; there is no direct impact on residential amenity in terms of being overbearing, dominant or by reducing light to habitable rooms.

6.4 *The need for large vehicles to access the site results in private vehicles being parked on the pavement causing an obstruction. Pram and wheelchair users must use the road resulting in reduced highway safety. The council and police do not enforce against this behaviour.*

Response

- Larger vehicles are permitted to use Kent Road for access, refuse collection, and deliveries. There are no parking restrictions within Kent Road and vehicles can park on either side of the street – see Background section above.

6.5 *Impact of potential active travel zones.*

Response

- The Council is exploring the implementation of an Active Travel Zone in the area. The main changes that are relevant to the application will prevent vehicles from passing under the railway bridge and using Kent Road/Priory Road as a short cut. The purpose of the Active Travel Zone is to stop the route from being used as a vehicular ‘rat run’ avoiding the St Denys Road/Thomas Lewis Way traffic light junction. The active travel zone, whilst resulting in commercial vehicles needing to use Kent Road, will also prevent rat running within this residential area and so the proposals are not anticipated to result in a significant increase of articulated vehicle traffic on Kent Road.

6.6 *The site, its access and the location was not designed for large/heavy commercial vehicles.*

Response

- There is no restriction on the road to prevent access by commercial vehicles including 40 tonne articulated vehicles.
- The southern water site benefits from an historic planning permission.
- The potential obstruction to other units and sites within the business park, caused as a consequence of manoeuvring, turning & parked articulated

vehicles required in association with Brysonwell, is a concern shared by officers.

6.7 ***The road is frequently gridlocked.***

Response

- The commercial vehicles operated by Bryonswell are a small proportion of overall number of vehicles using Kent Road.
- As noted above the Highways Team do not objection the basis of the associated articulated vehicles using Kent Road to access the site.

6.8 ***Impact of traffic generated noise and air pollution, nuisance – impact on amenity.***

Response

- Separate legislation manages air pollution.
- The public highway can be used by all road legal vehicles and therefore it would be unreasonable to refuse the planning application on the basis of noise impact.

6.9 ***Trees and hedges should not be removed within the city where there is little soft landscaping for climate change and ecology reasons.***

Response

- Compensatory planting could have been used to offset the loss in the event that a favourable recommendation was proposed.

Consultation Responses

6.10

Consultee	Comments
Cllr Savage	<p>The distribution of goods on a regular basis especially at current scale and frequency should be refused.</p> <p>Typically vehicles are extremely large and heavy causing substantial harm to the amenity of the residents of Kent Rd. Nothing bigger than a refuse vehicle should use this route.</p> <p>Southern water are currently moving to smaller purpose made vehicles for distribution of cake waste and occupiers of this site should be subject to similar limits. There is no control over the Southern Water use of the site for historic reasons.</p> <p>The access is not suitable, causing damage to residential property though vibration. Private vehicles park on the kerb blocking buggies and wheelchair access – highways safety and local amenity.</p> <p>This area is scheduled for Transforming Cities funding to create liveable streets and approval of this plan will jeopardise these scheduled developments.</p> <p>The decision to refuse Kier industries at a neighbouring property to run a distribution business, upheld by the planning inspectorate supports the view to refuse.</p>

Highways Development Management	<p>Objection:</p> <p>The established use of the site as a training centre associated with Southern Water would not have relied heavily on the need for servicing by articulated vehicles.</p> <p>Based on the survey information provided it is judged that significant harm to the highway network, in terms of capacity and traffic flow, has not occurred as a result of the development.</p> <p>A personal condition is recommended to restrict the use to the current operator to ensure that the suggested/surveyed trip rates will not exceed should there be a change in operators.</p> <p>The main concern is the lack of information on how articulated lorries are accommodated on site and how they manoeuvre in and out of the loading dock. Tracking diagrams have not been provided and the accuracy of the parking plan is questioned.</p> <p>Without confirmation that the access, turning & parking space for articulated vehicles can be guaranteed in perpetuity it cannot confidently be asserted that articulated vehicles would always be able to perform a safe turning manoeuvre preventing the need to reverse in or out of the site and onto the public highway. This would be unacceptable from a highway safety perspective.</p> <p>In summary, there is a highway safety concern and the application would not be able to be supported without further information addressing this.</p>
SCC Sustainability (Flooding)	<p>The site is located within Environment Agency flood zone 3 for high flood risk. No objection subject to a condition to anchor the container to the ground. Also advisable to sign up to the Environment Agency's flood warning service at https://www.gov.uk/sign-up-for-flood-warnings. It is also advisable to produce a Site Flood Plan, advising staff and those using the site on what to do in the event of a flood and include flood resilience measures.</p>
Health and Safety Executive (HSE)	<p>The proposal falls outside of HSE's remit and is not a statutory consultee unless hazardous substances are involved.</p>
SCC Refuse Team	<p>Standard sized 26 tonne refuse collection vehicle is used to service the properties on Kent Road. Residents do tend to park straddling the pavement on collection days. The refuse management team do have a narrower vehicle used to service roads which are difficult to access with the standard sized vehicle.</p>

7. Planning Consideration Key Issues

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

- Principle of development.
- Character and appearance; and neighbouring amenity.
- Parking, highways and transport.
- Economic growth.
- Flooding.

Principle of development

7.2 The site is not safeguarded for any use within the Development Plan. The adopted proposals map does however define the site as 'open riverside character' (Local Plan Policy NE5 ii relates). NE5 ii states that development is not permitted if it would cause damage to the open character of the riverside and landscape. The proposal is not deemed to be at odds with policy NE5 ii in principle. The scale of the proposal and whether it can be seen from the public realm surrounding the River Itchen will determine if the scheme is contrary to that policy. Officers consider the storage container and refuse bins are limited in their scale and will not be harmful to the visual quality of the public realm surrounding the River Itchen.

7.3 With no underlying policy protection for use of the site as a non-residential training centre this suggests that in policy terms the principle of changing away from the use is acceptable. B8 uses are, in principle, acceptable in this location – see Palletmove decision for instance, and the creation of 8 jobs is clearly welcome.

Character and appearance; and neighbouring amenity

7.4 The land is within the Itchen Business Park which is accessible to the public; the site cannot however be seen clearly from outside of the Business Park.

7.5 The nearest residential dwellings are 32m to the south at Saltmead. There are mature trees situated along the southern boundary of the business park. These act as a visual screen. The scale of the storage container and additional external bins will also not harm visual amenity achieved from nearby residential properties and no objections have been received on this basis.

7.6 By the nature of the storage use and distance from residential properties there is little noise generated that would adversely impact residential amenity. Again no objections have been received on the basis of noise generated whilst vehicles are being loaded and unloaded.

7.7 The business model used by Bryonswell relies upon bulk transportation of goods from the site to Europe for resale. The applicant advises that the most efficient method of transportation is by articulated vehicles that can move large loads and the principles of economies of scale are relevant. It is therefore in the interests of the business to use the largest vehicles possible when transferring the goods from the site to its destination. Little information has been provided by the applicant clarifying the vehicles that are used to transport goods to and from the site, however from officer site visits and letters of representation received, including third party photographs, it is clear that vehicles with as many as six axels have been used to for this purpose and vehicle weights can exceed 40 tonnes when fully loaded.

- 7.8 Whilst the applicant's survey shows that there are articulated vehicles (with more than 2 axels) visiting the site on average once every three weeks, the letters of representation received from nearby residents suggest that visits by articulated vehicles are more frequent averaging one articulated vehicle each week; and on some occasions there are two.
- 7.9 The impact of noise and vibration generated by the vehicles servicing the application site can have a negative impact on amenity enjoyed by residents and it is noted that the vehicles can arrive and depart from the site at any time of the day. It is also noted that the length of Kent Road to St Denys, which articulated vehicles use to enter and exit the business park, is in excess of 380m and vehicles need to pass more than 100 dwelling houses before they can access St Denys Road.
- 7.10 There are however other large commercial vehicles that also use Kent Road. In particular vehicles used by Southern Water, SCC refuse collection team, other commercial businesses delivering to residential properties, as well as vehicles associated with other businesses operating from the Business Park. When considered against the background of other traffic using Kent Road the impact of one articulated vehicle per week does not seem unreasonable. Overall the articulated vehicles associated with the development generates only a small proportion of vehicles using Kent Road and at the low frequency of one articulated vehicle per week it is recommended that the impact on neighbours in terms of noise, vibration and disturbance is not deemed to be significantly harmful. In coming to this recommendation, it is also necessary to bear in mind that there are no weight restrictions on Kent Road for vehicles and there is no legal method to prevent articulated vehicles from using the road.
- 7.11 Residents fearing that their cars will be damaged by commercial vehicles using the road has caused to residents to frequently be parked so that they straddle the pavement. This behaviour can also harm residential amenity by causing an obstruction to the footway leading to residents having to walk in the road. This is especially relevant for less ambulant members of society; in particular wheelchair and pushchair users. This situation does, however, occur on numerous streets in the city and as there is no legal way to prevent any specific vehicle from using Kent Road to access the business park, the only way to resolve this problem would be to add a parking restriction preventing parking on one side of the road. It is not, however, likely to be met with support from the residents on Kent Road who would have their on-street parking spaces reduced by half. So whilst officers are recommending a refusal, with subsequent enforcement action to cease the use, the reason for the recommendation is not one that suggests Kent Road is inappropriate for HGV use of the type and frequency proposed. The Panel could decide to add further refusal reasons but should be mindful that at an appeal the Council would need to evidence to an independent Inspector how HGVs using residential roads is harmful given that they are legally entitled to do so as explained further below.

Parking highways and transport

- 7.12 There are no weight restrictions on Kent Road for vehicles and there is no method to prevent vehicles with three or more axels from using the road. Pavement and road obstruction is managed by highways act with prosecution as necessary. No objections have not been received from the Highways Team on the basis of congestion, highway safety, road damage or highway obstruction. It is also the Highways Authority who are responsible for maintaining the quality of the road surface.

- 7.13 There are other larger commercial vehicles that use Kent Road, most notably those used by Southern Water to remove sewage sludge after the processing of raw sewage as well as refuse collection vehicles. These will also cause vehicle owners living on Kent Road to park straddling the pavement. On this basis it is difficult, as a result of the application proposal, to attribute significant harm in highways terms and in particular highways safety and congestion.
- 7.14 The highways team are however concerned by the potential need for articulated vehicles to reverse out onto Kent Road in the event that there is insufficient space to turn on site. A tracking diagram has not been provided to prove where on site articulated vehicles can turn, although these manoeuvres have been witnessed on site. In addition, the application has not been accompanied by details identifying that access, turning & parking space for articulated vehicles can be guaranteed within the business park in perpetuity. As a consequence, it cannot confidently be asserted that articulated vehicles would always be able to perform a safe turning manoeuvre preventing the need to reverse in or out of the site and onto the public highway. This would be unacceptable from a highway safety perspective and could prejudice other businesses on the Estate.

Economic Growth

- 7.15 It is appreciated that the business provides local employment which helps to achieve economic growth. The negative impact of this development is however also felt on neighbouring businesses within the business park through the obstruction of the access onto Kent Road. As a consequence, the access to neighbouring businesses can at times be disrupted when articulated vehicles are loading/unloading.
- 7.16 Whilst a parking plan and details of an articulated vehicle have been provided officers have also seen evidence of larger articulated vehicles serving the business and extending across the car park in front of the Leornain House. The result is articulated vehicles obstructing access into the car park as well as the access route to other sites within the business park and the waste water treatment works to the rear.
- 7.17 Therefore the application has not been supported by sufficient information to justify how the economic benefits outweigh the impacts to the locality.

Flooding

- 7.18 No objection has been raised on the basis of flooding from the City Council's Flooding Risk team or the Environment Agency.

8. Summary

- 8.1 The retrospective application for a change of use to storage and distribution hinges on the suitability of Kent Road, and the private roads within the wider estate, to service the demands of the use and neighbouring businesses.
- 8.2 Residents of Kent Road, supported by Ward Cllr Savage, have provided deputations that the use is not appropriate for reasons of impact on residential amenity as caused by the size and frequency of vehicles servicing the application site. The frequency of HGVs visiting the site is likely to be somewhere between 1 every 3 weeks (the applicant's case) and 1-2 per week (objectors). Officers consider that, given the legal right that servicing vehicles have to use Kent Road, and given the low frequency of trips; and the nature of other traffic that use Kent Road, it is unreasonable to refuse the

application based on residential impact or highway safety per se; the impact is considered to be within tolerable limits.

- 8.3 However there is a highways safety concern based on the failure of the applicant to provide tracking diagrams demonstrating that articulated vehicles can turn within the business park without being obstructed. It is clear that HGVs require large turning areas outside of the application site. It is also apparent that the submitted parking layout is inaccurate, and it has not been proven that access and turning space will remain available for turning purposes in perpetuity. As a consequence, there is the potential for articulated vehicles to be required to reverse out of the site and onto Kent Road causing a highways safety hazard.
- 8.4 As such the positive aspects of the proposal – efficient use of land, employment, recycling & charity fundraising - do not outweigh the potential harm caused to neighboring businesses owing to obstruction of the access and parking area; and highways safety concerns related to vehicles having to reverse onto Kent Road.
- 8.5 In making this recommendation officers have also considered the undying policy designation of the site, which does not protect the site for storage and distribution purposes, although the use is deemed acceptable in principle.

9. Conclusion

- 9.1 It is recommended that planning permission is refused for the reason set out above.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (f) 6. (a) (b)

MP for 03/11/2020 PROW Panel

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Application 19/01469/FUL

APPENDIX 1

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS23	Flood Risk
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
SDP17	Lighting
NE1	International Sites
NE2	National Sites
NE4	Protected Species
NE5	Intertidal Mudflat Habitats
RE110	Industry and Warehousing
RE111	Light Industry
TI2	Vehicular Access

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

















The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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A SIMPLIFIED GUIDE TO LORRY TYPES AND WEIGHTS

Appendix 2

Recommended Description		Identifier	UK Maximum Gross Weight (tonnes)	Shape	
LIGHT GOODS VEHICLES		2 axles	3.5	no rear side windows 	
LORRIES	SMALLER 2-AXLE LORRIES	2 axles	Over 3.5 7.5		
	BIGGER 2-AXLE LORRIES	2 axles	Over 7.5 18		
	HEAVY GOODS VEHICLES	MULTI-	3 axles rigid	25 26*	
			3 axles artic.	26	
			4 axles rigid	30 32*	
			4 axles artic.	36 38*	
	LORRIES	AXLE	Vehicle and draw-bar trailer 4 axles	30 36**	
			5 axles or more artic. See note (a)	40	
			Vehicle and draw-bar trailer 5 axles See note (a)	40**	
			6 axles artic. See note (b)	41*	
			6 axles draw-bar See note (b)	41* and **	
			5 or 6 axles artic. See notes (b) and (c)	44* and ***	
			6 axles draw-bar	44*, ** and ***	
			6 axles artic. See note (b) and (d)	44*	
6 axles draw-bar See note (b) and (d)	44* and **				

* If the driving axle, if it is not a steering axle, has twin tyres and road friendly suspension, or each driving axle is fitted with twin tyres and the maximum weight for each axle does not exceed 8.55 tonnes.

** Distance between the rear axle of the motor vehicle and the front axle of the trailer is not less than 3 metres.

*** If the vehicle is being used for combined transport.

(a) 5 axles or more artic and the 5 axles or more drawbar could alternatively have a 3 axle motor vehicle and a 2 axle trailer.

(b) Conditions:
 - each vehicle must have at least 3 axles.
 - drive axle has twin tyre and road friendly suspension and maximum of 10.5 tonnes, or each driving axle is fitted with twin tyres and has a maximum of 8.55 tonnes
 - trailer has road friendly suspension

(c) Conditions for operation on 5 axles:
 - must have 3 axles on tractor unit
 - single container 40ft in length conforming to standards laid down by the International Standards Organisation being carried only
 - vehicle being used for international journey.

(d) Powered by a low pollution engine.

OVERLOADING OF GOODS VEHICLES

Why does overloading matter so much?

1. **ROAD SAFETY.** Lorries which are loaded beyond their design weight are less able to stop quickly in an emergency and the steering of the vehicle can be affected.
2. **ROAD WEAR AND TEAR.** It is estimated that the overloading of good vehicles costs the community over £50M a year through additional wear and tear to roads and bridges. Heavy axles cause proportionately far more wear and tear, and overloading drive axles (legal limit 11.5 tonnes) are the biggest single cause of excessive wear and tear on roads.
3. **COMPETITION.** Gross overloading is unfair to the majority of law-abiding operators who accept the constraints of the plated weight limits set by the law. An operator who persistently overloads a lorry can earn additional profits amounting to thousands of pounds per annum.

SOME TECHNICAL TERMS EXPLAINED

AXLE WEIGHT	: The total weight transmitted to the road by all the wheels on one axle.
GROSS VEHICLE WEIGHT	: The weight of a vehicle and its load.
TRAIN WEIGHT	: The weight of a vehicle, a trailer and its load.
PLATED WEIGHT	: Either the design weight limit given on a manufacturer's plate or the legal weight limit given on the Department's plate.
TRAILER	: Any vehicle drawn by a motor vehicle.
DRAW-BAR TRAILER	: A trailer pulled by a rigid vehicle.
SEMI-TRAILER	: A trailer forming part of an articulated vehicle.
ARTICULATED VEHICLE	: A tractor unit with a semi-trailer attached where part of the load is borne by the drawing vehicle.

OVERLOADING

Goods vehicles are subject to U.K. weight limits. The weight limits are given on the manufacturer's plate or the Department's plate on each vehicle. They are determined by the technical specification of the vehicle and the need to protect U.K. roads and bridges from excessive wear and tear. Vehicles over 41 tonnes operate under special arrangements. 44 tonnes is allowed for combined (road to rail) transport.

A vehicle is overloaded if it exceeds the plated weight limits. A vehicle could be overloaded on all its axles, on its gross weight and on its train weight. Each of these would be separate offences, e.g. a 3 axle articulated which exceeded the plated weights on the 1st axle, 2nd axle and gross weight would make both the vehicle operator and driver liable to three separate offences.

A vehicle or vehicle combination from 1 January 1999 can operate under either The Authorised Weight Regulations 1998 or The Road Vehicles (Construction and Use) Regulations (as amended).

This leaflet has been produced by the Department for Transport, at the request of the Magistrate's Association to give guidance to Magistrates in dealing with cases on overloading. It is not intended to be a full authoritative statement of the law.



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

Mr Peter Atfield
Goadsby Planning & Environment
99 Holdenhurst Road
Bournemouth
BH8 8DY

In pursuance of its powers under the above Act and Regulations, Southampton City Council, as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - CONDITIONAL APPROVAL

Proposal: Use of land for the storage of pallets; fencing, siting of cabins and storage container.

Site Address: Itchen Business Park, Kent Road, Southampton

Application No: 20/00954/FUL

Subject to the following conditions:

1.Approved Plans [Performance Condition] 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.

2.Restricted Use [Performance Condition] - personal consent
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (storage associated with the business Palletmove Ltd) for the storage and distribution of pallets and associated ancillary office accommodation and not for any other purpose including the storage of any other materials or goods & not for any other use within Use Class B8 use class, without further permission from the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents; and to enable a further assessment should further/alternative employment uses/businesses seek to operate from this site.

3.Hours of Use [Performance Condition]



WEBCHAT

southampton.gov.uk Page 81



@sotoncc



@southamptoncc

DX115710 SOUTHAMPTON 17

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

08.00 - 16.00 Mon - Fri.

And at no time on Saturdays and Sundays

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

4. Business operations location restriction [Performance Condition] In accordance with the approved plans the business operation on site (Palletmove Ltd) to which this permission relates shall at no time operate (including loading/unloading, storage and parking) outside of the fenced enclosure of the site and in particular (for avoidance of doubt) shall not spill out onto the shared access road within the Business Park and which leads to the adjacent Portswood Waste Water Treatment Works.

Reason: To avoid congestion and obstruction of the adjoining access

5. Restricted use of vehicles with more than three axels, or articulated or exceeding 26 tonnes from servicing the site [performance condition]

No vehicles with more than 3 axels, or which are articulated, or which exceed 26 tonnes shall be used on the site or used to service/deliver to or from the site (including the transportation of pallets) in associated with the business operation hereby approved.

Reason: In the interests of the amenities of the neighbouring residential occupiers and Kent Road residents.

6. Refuse & Recycling (Performance Condition) 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 (outside of the fenced and gated site boundary).

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby business properties and access into the Portswood waste water treatment works; and in the interests of highway safety.

7. Flood Resilience measures (within 1 month)

Within 2 months of the date of this permission the applicant shall provide details of flood resilience measures covering the listed points below. Once approved in writing by the Local Planning Authority the agreed measures shall be provided on site within 6 months of the date of this permission and shall thereafter be retained as approved.

- o Details of measures that will ensure that the cabins and storage container will remain anchored to the ground in the event of a flood.

- o Details of appropriate flood resilience measures including all electrical equipment and wiring raised 300mm above the 1 in 200 year flood event level of 4.1mAOD.

Reason: To avoid the risk of the cabins and storage container floating in the event of a flood and to ensure the building remains safe should potential flooding occur.

8. Southern Boundary, landscape buffer retention (Performance condition)

The landscape buffer on the southern boundary of the site within the demise of the site to which the application relates shall be retained and maintained at a minimum height of 3 metres for the lifetime of the development.

Reason: In the interests of visual and audible amenity of neighbouring residential occupiers.

Reason for granting planning permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out within the Officers Report. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

Additional Note: Should you require new addresses to be created for your development you are advised to use the following link at the appropriate time:

<http://www.southampton.gov.uk/planning/planning-permission/getting-street-names-numbers.aspx>



Paul Barton
Interim Head of Planning & Economic Development

16 October 2020

If you have any further enquiries please contact:

Mathew Pidgeon

PLANS AND INFORMATION CONSIDERED

This decision has been made in accordance with the submitted application details and supporting documents and the development should be implemented in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Date Received:	Status:
Location Plan		Location Plan	07.08.2020	Approved
Block Plan		Block Plan	07.08.2020	Approved
Fencing Plan		Elevational Plan	07.08.2020	Approved
Fencing Plan		Elevational Plan	07.08.2020	Approved
Storage container		General Plan	07.08.2020	Approved
Porta cabins		General Plan	07.08.2020	Approved

NOTES

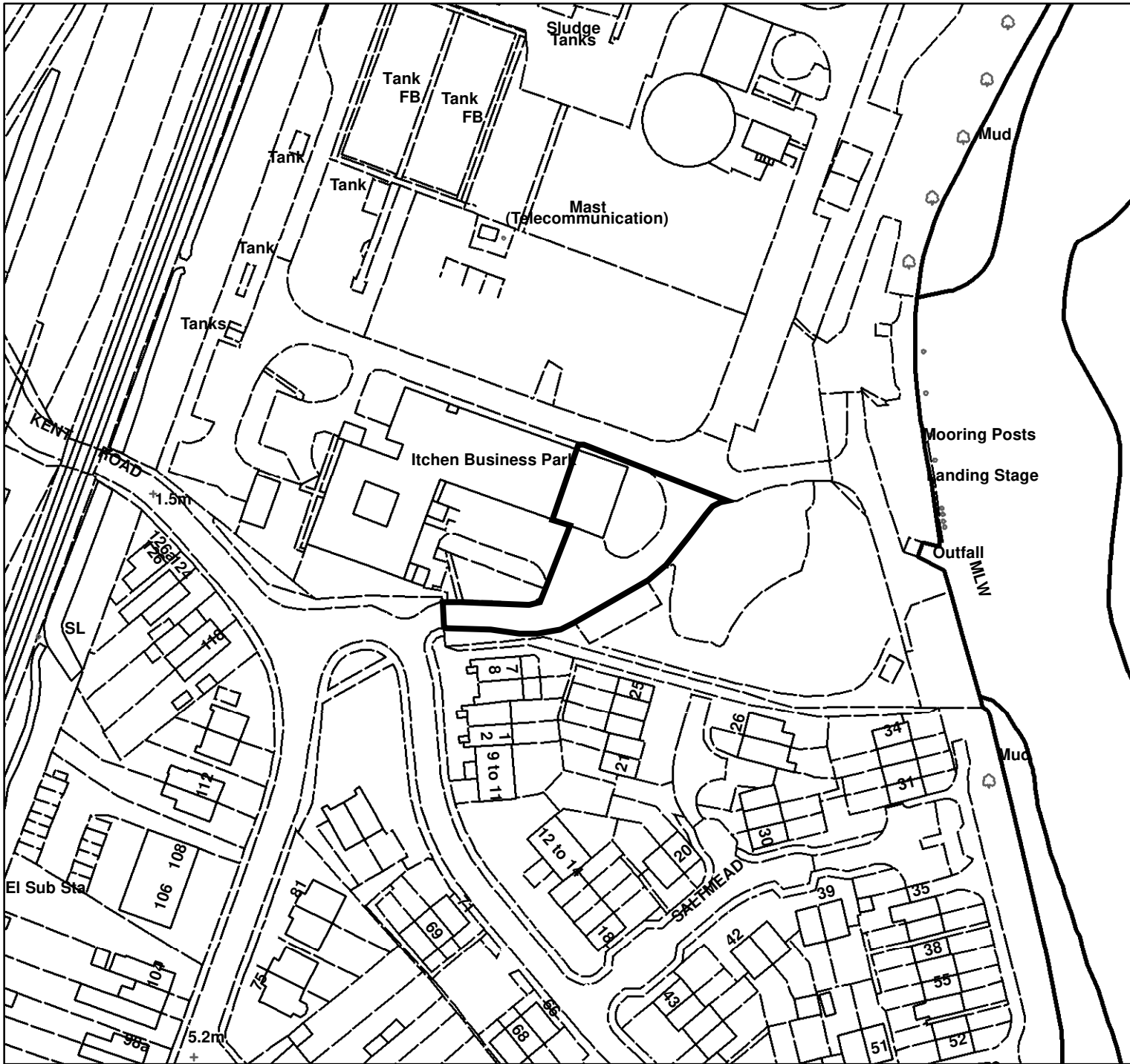
1. This permission relates to Planning Control only. Approval under the Building Regulations may also be required and should you be in any doubt about this, please contact Building Control Services, Tel. 023 8083 2558. Any other necessary consent must be obtained from the appropriate authority. Special attention is drawn to the fact that this permission does not relate to the display of advertisements and separate consent is required under the Town and Country Planning (Control of Advertisements) England Regulations 2007. Development affecting buildings of special Architectural or Historical interest is also subject of separate Listed Building Consent. Any queries should be made to Development Control Service as indicated below.
2. This permission has been granted on the basis of all the information submitted by the applicant shown on the plans accompanying the application. Any material misstatement or wrong information may invalidate the permission.
3. If the applicant is aggrieved by the decision of the Local Planning Authority to approve the proposed development, subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of decision. Appeals must be made using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or do it online at <https://acp.planninginspectorate.gov.uk/>
4. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
5. If permission to develop land is granted subject to conditions, whether by the Local Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council a purchase notice requiring the Council to purchase their interest in the land in accordance with the provisions of Part IV of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade, and you are advised to contact Building Control Services as set out in Note 1.
8. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
9. Your attention is drawn to the conditions this consent is subject to:

Pre-commencement conditions require the full terms of the condition to be approved by the Local Planning Authority before any development starts. In order to discharge these conditions a formal application is required by the applicant and a time period of at least 8 weeks should be allowed for a decision to be made. If the conditions are not met, the Local Planning Authority has the power to take enforcement action.

10. The applicant is recommended to retain this form with the title deeds of the property.

Please address any correspondence in connection with this form quoting the application number to: **Development Management, Southampton City Council, Lower Ground Floor, Civic Centre, Southampton, SO14 7LY.**

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Agenda Item 7

Planning and Rights of Way Panel 3rd November 2020 Planning Application Report of the Head of Planning & Economic Development.

Application address: Costco, Regents Park Road, Southampton			
Proposed development: Implementation of planning permission 17/02525/FUL not in accordance with condition 8 (hours of use). Variation of condition 8 to allow for earlier opening hours for customers (06:00) and to allow unrestricted deliveries every day between 07:00 - 21:00			
Application number	20/01160/FUL	Application type	Full
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	23.10.2020 (ETA)	Ward	Millbrook
Reason for Panel Referral:	Referred by Cllr S Galton - Petrol station hours should remain as approved in the interests of neighbouring residential amenities.	Ward Councillors (at the time of Panel considerations)	Cllr G Galton Cllr S Galton Cllr S Taggart

Applicant: Costco Wholesale Uk Ltd	Agent: RPS Planning & Development
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Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	No
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The amended trading and servicing hours will not adversely harm the residential amenities of neighbouring occupiers and would not have an unacceptable impact on highway safety network capacity. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39 - 42 and 46 of the National Planning Policy Framework (2019).

Policies - SDP1 and SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS18 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Minutes relating to panel resolution for application ref 17/02525/FUL

Recommendation in Full

Conditionally Approve

Background

This application relates to the hours of use for the existing Petrol filling station at Costco, Regents Park Road. The application for the Petrol Filling Station (ref 17/02525/FUL) was considered by the Planning and Rights of Way Panel on 31st July 2018 and Panel resolved to grant planning permission, but varied the hours of operation recommended by officers with the opening time reduced from 7am to 9am in the interests of the residential amenities of nearby residents.

The current authorised hours of use as restricted under condition 08 of planning permission ref 17/02525/FUL are as follows:

08. Hours of Use (Performance)

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - 09:00 to 21:30

Saturday - 09:00 to 20:00

Sunday and recognised public holidays - 09:00 to 18:00

No deliveries shall take place during the following peak times on the highway network:

Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs

Saturday 1330hrs to 1430hrs

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.

1 The site and its context

1.1 The Petrol Filling Station (PFS) is located in the southern part of the Costco car parking area and comprises 9 self service pumps available to Costco members only, with members swiping their Costco membership and debit/credit payment cards at the pump. There is no kiosk / shop or ATM machine service at this petrol filling station. A 1.8m height acoustic screen has been installed along the southern edge of the Petrol Filling Station and was a requirement of the planning approval.

1.2 The Costco warehouse has the following authorised hours of use:

Monday to Friday 10.00am - 8.30pm (10.00am - midday trade customers only)

Saturday 09.00am - 6.30pm

Sunday 11.00am - 5.00pm

Public holidays 10.00am – 6.00pm

The normal servicing hours for deliveries are restricted to 07.00am - 9.00pm, however the servicing hours have been temporarily relaxed as part of the Covid-19 response with planning restrictions lifted on deliveries to retailers and distribution centres in a written ministerial statement on 17 March 2020.

1.3 Site access is taken from Regents Park Road. The Costco Warehouse building is located to the east and retained BAT office and research & development buildings are located to the north. The surrounding area comprises a mix of commercial and residential uses. Adjacent to the southern boundary is the Military, Territorial Army base and the Solent Business Centre. Two-storey dwelling houses frame the western boundary and part of the southern boundary. The eastern boundary abuts Waterhouse Lane with dwelling houses located on the adjacent side of the road. There are group and individual tree preservation orders located at the site entrance, along the southern boundary and also within the north-eastern corner of the site.

2 Proposal

2.1 Variation of condition 8 to allow for earlier opening time for customers of 06:00 am Monday to Saturday and Public Holidays and 07.00am Sundays and to also allow unrestricted deliveries every day between 07:00 - 21:00. In addition, the opening hours are extended from 8pm to 9:30pm to reflect the approved hours for Monday-Friday. The submission has confirmed that the Petrol Filling Station is serviced by a maximum of 1 tanker delivery per day.

2.2 The submission indicates that the opening hours proposed are consistent with the operation of other Costco petrol filling stations. The applicants have indicated that examples of other similar Costco stores with comparable separation distances from residential properties include:

- Costkea Way, Edinburgh, EH20 9BY (Midlothian Council - 16/00627/DPP)
- Torrington Avenue, Coventry, CV4 9AQ (Coventry City Council - FUL/2019/1771)

2.3 Summary – Condition 8

	Approved	Proposed
Opening Hours	Mon to Fri – 9am to 9:30pm Sat – 9am to 8pm Sun – 9am to 6pm Public Hols – 9am-6pm	Mon to Sat – 6am-9:30pm Sun – 7am-6pm* Public Hols – 6am-6pm*
Servicing	Mon to Sun – 7am-9pm Excludes: Mon to Fri - 8am-9am & 4pm-5pm Sat – 1:30pm-2:30pm	Mon to Sun – 7am-9pm

*The Sunday & Public Holidays request is not supported by officers and no change is recommended. See amended condition 8 below.

3 Relevant Planning Policy

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

- 3.2 Saved policy SDP16 of the Local Plan Review indicates that proposals for noise-generating development will not be permitted if it would cause an unacceptable level of noise impact. This application is supported by a noise impact report which seeks to demonstrate that the earlier opening times and deliveries between 07:00-21:00 will not lead to adverse noise disturbance to nearby residents having regard to existing background noise levels and the acoustic screen which has been installed. Paragraph 109 of the National Planning Policy Framework (NPPF) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4. Relevant Planning History

- 4.1 On 31.01.2019 planning permission was granted for the Petrol Filling Station at Costco (LPA Ref 17/02525/FUL).
- 4.2 On 21.09.2011 planning permission was granted for redevelopment of the site to provide a warehouse club (13,006 square metres gross external floorspace) including tyre installation, sales and associated facilities with vehicular access from Regents Park Road (LPA Ref 10/01449/FUL).

The reason for granting planning permission was as follows:

“The site is safeguarded for light industry and research and development uses under Saved Policy REI9 (i) of the Local Plan Review. Whilst a warehouse club does not strictly accord with the site specific designation, it is unlikely the site will come forward for single occupancy industrial use on the same scale as BAT, and leading Retail Estate Advisors ‘Vail Williams’ have indicated that demand from smaller industrial units on this back land site would be limited. Overall the principal scheme is acceptable, particularly as it will regenerate the site and will bring it back into employment use, whilst ensuring that existing residential amenities are protected. The Local Planning Authority is satisfied that the proposal will not undermine the vitality and viability of existing retail centres within the City. Furthermore the travel demands of the development can be met without compromising the city transport network, subject to the securing of site specific highway improvements through the S106 legal agreement. Other material considerations do not have sufficient weight to justify a refusal of the application.”

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 (posted 11.09.2020). At the time of writing the report **5 representations** have been received from surrounding residents (4 against and 1 in support) and, in addition, there’s a Panel referral request from Ward Cllr S Galton.

The following is a summary of the points raised:

5.2 Against

Increased noise

Officer Response - No objection has been raised by the Council's Environmental Health Team. The application is supported by a specialist consultant noise report which demonstrates that earlier opening hours of 6am (Mon-Sat) and 1 tanker delivery per day between 7am-9pm will not have an adverse noise and accords with recognised WHO and British standards in terms of acceptable day time and night time noise tolerances. It is considered reasonable to maintain the existing opening time of 9am on Sundays and Bank Holiday given there is existing lower background noise levels from road traffic prior to 9am on these days and so officers are recommending a slight change to the requested hours.

5.3 **Traffic and pollution at the extended times of day**

Officer Response - The following table extrapolated from the submitted noise report sets out the anticipated worst-case scenario in terms of vehicle numbers of the forecourt per hour. You will see that a low number of vehicles are anticipated during the hours of 6am and 7am and remain relatively low at 8am. As such the proposed earlier hours of use are not considered to have an adversely harmful traffic and pollution impact.

Hour Commencing	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Friday	7	24	40	54	67	96	109	129	134	119	128	134	114	63	47	6
Saturday	3	7	15	41	107	132	164	158	145	154	150	129	66	1	0	0
Sunday	2	5	8	20	59	83	117	118	103	127	94	41	1	0	0	0

Table 1

5.4 **Longer delivery times will mean more HGV's negotiating residential streets during early morning and late evening/ nights causing noise.**

The PFS is served by 1 tanker delivery per day and this limited number of deliveries during the proposed servicing hours of 7am-9pm will not lead to adversely harmful noise nuisance nor would it harm capacity on the highway network.

5.5 In Favour

As a local resident who regularly uses Costco I cannot see any impact on traffic to open for fuel only at 06.00 and it would be a great asset to have access earlier than 09.00.

Consultation Responses

5.6 **SCC Highways** – No objection

The proposed forecast levels which is less than 1 vehicle per minute on average will not have an adverse impact on safety or capacity on the network. In addition, the fact that the use of the petrol station is for members only and it is not directly accessed off Regents Park Road does make this site slightly less attractive for any trips relating to commuters (i.e. trips associated with network peak hours).

The weekend levels are further reduced and is outside the standard network peaks.

5.7 **Environmental Health** – No objection

5.8 **Cllr S Galton** – Objection

the petrol station opening hours should remain as they currently are. The planning panel recently considered the original application, and nothing has changed in terms of protecting residential amenity.

There is great logic to deliveries being outside of peak hours; especially as the Council's plans for Millbrook Road bus lanes - if enacted - will lead to increased journey time on Millbrook Road and increased delay/congestion in Regents Park Road.

6. Planning Consideration Key Issues

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

- Noise impact on the amenities of nearby residents; and
- Transport impacts.

6.2 The proposed increased operating hours is policy compliant from an economic development perspective, however the earlier opening times for customers delivery time from 7am-9pm needs to be carefully considered in relation to noise impact to neighbours and impact on congestion on the highway network.

6.3 The original planning application for the PFS (ref 17/02525/FUL) was submitted on the basis of a 6am opening time and was supported by technical evidence to demonstrate no adverse highways, odour, air quality impact and lighting impacts. The original application was also supported by a noise assessment by Sharps Redmore Dated 17th April 2018 which indicated no adverse noise effect on nearby residents based on opening time of 6am and the Council's Environmental Health Team had no objection to these hours based on the evidence submitted. However officers took a precautionous approach based on the lower background noise levels from road traffic during the early morning and potential for noise events associated with the PFS (customer fuelling and tanker delivery activity ranging from 64-78db) and took the view that a later opening of time of 7am would reduce the risk of adverse disturbance to neighbours. The officer recommendation of a 7am start time was further varied by the Planning and Rights of Way Panel to 9am in the interests of the residential amenities of neighbouring occupiers. A copy of the minutes from the Planning and Rights of Way Panel meeting on 31.7.2018 are attached as **Appendix 2**.

6.4 This current application seeks to vary the consented opening time of 9am (as restricted under condition) and seeks an earlier 6am opening time Monday to Saturday and Public Holidays as originally proposed. Based on the evidence within the noise assessment by Sharps Redmore Dated 17th April 2018 there would be no adverse noise impact on neighbouring residents, based on recognised noise standards as set out by British Standard (BS) 8233:2014 and World Health Organisation (WHO) "Guidelines for Community Noise". The extended hours of trading for Saturday (from 8pm to 9:30pm) reflects the trading hours for Monday to Friday and are acceptable.

6.5 The noise evidence indicates that bedrooms within the nearest residential properties would not be subject to noise levels that would disrupt sleep during the early morning (6am-7am) on weekdays and Saturday having regard to existing background noise levels from road traffic during these times, separation distance of houses from the access road and petrol filling station and also noise barriers such as boundary treatments, building facades (allowances made for open bedroom windows) and the existing acoustic fence on the southern side of the PFS. Please

note the PFS is located circa 50m from the nearest house and the access road is circa 20m from the rear elevation of properties within Langley Road.

- 6.6 However the noise report is not supported by evidence relating to existing background noise levels on a Sunday and it is therefore considered reasonable to maintain the existing opening time of 9am on Sundays and Public holiday, given the level of background noise from road traffic is likely to be quieter at these times and because the submission has not demonstrated that the 35db LAeqT indoor noise limit to neighbouring properties would not be breached from noise associated with the PFS before 9am on a Sunday and Public Holidays.
- 6.7 Condition 08 of planning permission ref 17/02525/FUL also includes an existing restriction to prevent servicing of the PFS at peak times on the highway network with no deliveries between Monday - Friday 08:00am to 0900am and 4.00pm to 5.00pm Saturday 1.30pm-2.30pm.
- 6.8 The level of servicing for this self-service PFS (with no kiosk/shop) is limited to one tanker delivery per day and It is considered that one tanker delivery per day delivery anytime between 7am-9pm will not have a demonstrably harmful impact on highway safety or capacity on the highway network and access from Regents Park Road. The proposed delivery hours will also align with the authorised servicing hours for the Costco warehouse which are not restricted during peak times on the network.

7 Summary

- 7.1 The development, as proposed to be amended for Sundays and Public Holidays, is acceptable taking into account the policies and proposals of the Development Plan as set out below. The amended trading and servicing hours will not adversely harm the residential amenities of neighbouring occupiers and would not have an unacceptable impact on highway safety network capacity. Other material considerations are not judged to have sufficient weight to justify a refusal of the application.

8 Conclusion

- 8.1 The positive aspects of the scheme are not judged to be outweighed by the negative, despite the local objections and as such the scheme is recommended for conditional approval.
- 8.2 The applicants proposed varied hours opening hours Mon-Sat and servicing hours are supported as part of this recommendation however the applicants proposed opening time of 7am on Sunday is not supported and the existing 9am opening time on Sundays and Public Holidays should be retained.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 03/11/2020 PROW Panel

PLANNING CONDITIONS – reinstate those previously applied with the following change:

08. Hours of Use (Performance)

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - 06:00 to 21:30

Saturday - 06:00 to 21:30

Sunday and recognised public holidays - 09:00 to 18:00

Deliveries shall only take place between the hours of 07:00 to 21:00 and shall be limited to a maximum of 1 tanker delivery per day.

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.

20/01160/FUL

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS18	Transport: Reduce-Manage-Invest
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP16	Noise

Other Relevant Guidance

The National Planning Policy Framework (2019)

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Previous Minutes

APPENDIX 2

PLANNING APPLICATION - 17/02525/FUL - COSTCO, REGENTS PARK ROAD

Meeting of Planning and Rights of Way Panel, Tuesday, 31st July, 2018
6.00 pm (Item 17.)

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.

Minutes:

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

Erection of petrol filling station, reconfiguration of car parking, landscaping and associated works (additional landscaping, lighting, air quality, odour, noise and transport information received).

Greg Barfoot, Martin Clayton (local residents, objecting), Neil Daniels (Applicant), Ian Dix (Agent), Councillor Furnell (ward councillor, objecting) and Councillor Fitzhenry (on behalf of Councillor Galton, Ward Councillor, objecting) were present and with the consent of the Chair, addressed the meeting.

The scheme has been assessed against the revised NPPF (2018) and remains in accordance with national planning policy. The Council's Tree officer was satisfied with the tree protection measures and tree species as shown on landscape drawing no. 1001 Rev E.

The presenting officer reported that two additional conditions would be required to be added to the application in relation to: the acoustic fence and signage as set out below.

The Panel proposed amendments to Condition 4 as set out below.

A further motion was proposed by Councillor Savage and seconded by Councillor Mitchell that the opening hour of the petrol station be amended to 9.00 am.

RECORDED VOTE to amend the opening hour of the petrol station

FOR: Councillors Savage, Mitchell and Murphy

AGAINST: Councillor Coombs

ABSTAINED: Councillors Wilkinson, Claisse and L Harris

The motion was therefore carried.

The Panel then considered the recommendation to grant conditional planning permission.

RECORDED VOTE to grant planning permission

FOR: Councillors Murphy, Mitchell, Coombs and L Harris

AGAINST: Claisse, Savage and Wilkinson

RESOLVED that conditional planning permission be approved subject to the conditions within the report and the amended conditions set out below.

Additional Conditions

APPROVAL CONDITION – Acoustic Fence

Details of the design and external appearance of the acoustic screen as shown on drawing no. (PA) 04 Rev B shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development. The acoustic screen shall be installed prior to commencement of use of the petrol filling station and retained as agreed.

Reason: In the interests of good design and to prevent adverse noise impact.

APPROVAL CONDITION – Signage

No Totem or other signage shall be installed on the Regents Park frontage advertising the Petrol Filling Station hereby approved.

Reason: To ensure that any increased new and pass-by trips generated by frontage signage are considered through a formal planning application in order to prevent severe congestion and obstruction to flow of traffic on Regents Park Road.

Amended conditions

Condition 04 (landscaping):

The development shall be carried out in accordance with landscape drawing no. **1001 Rev E** by Andrew Davis.

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

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

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local

environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

Condition 08 (hours of use) amended as follows:

The Petrol Filling Station hereby approved shall not be open to customers and no deliveries taken outside of the following hours:

Monday to Friday - **09:00** to 21:30

Saturday - **09:00** to 20:00

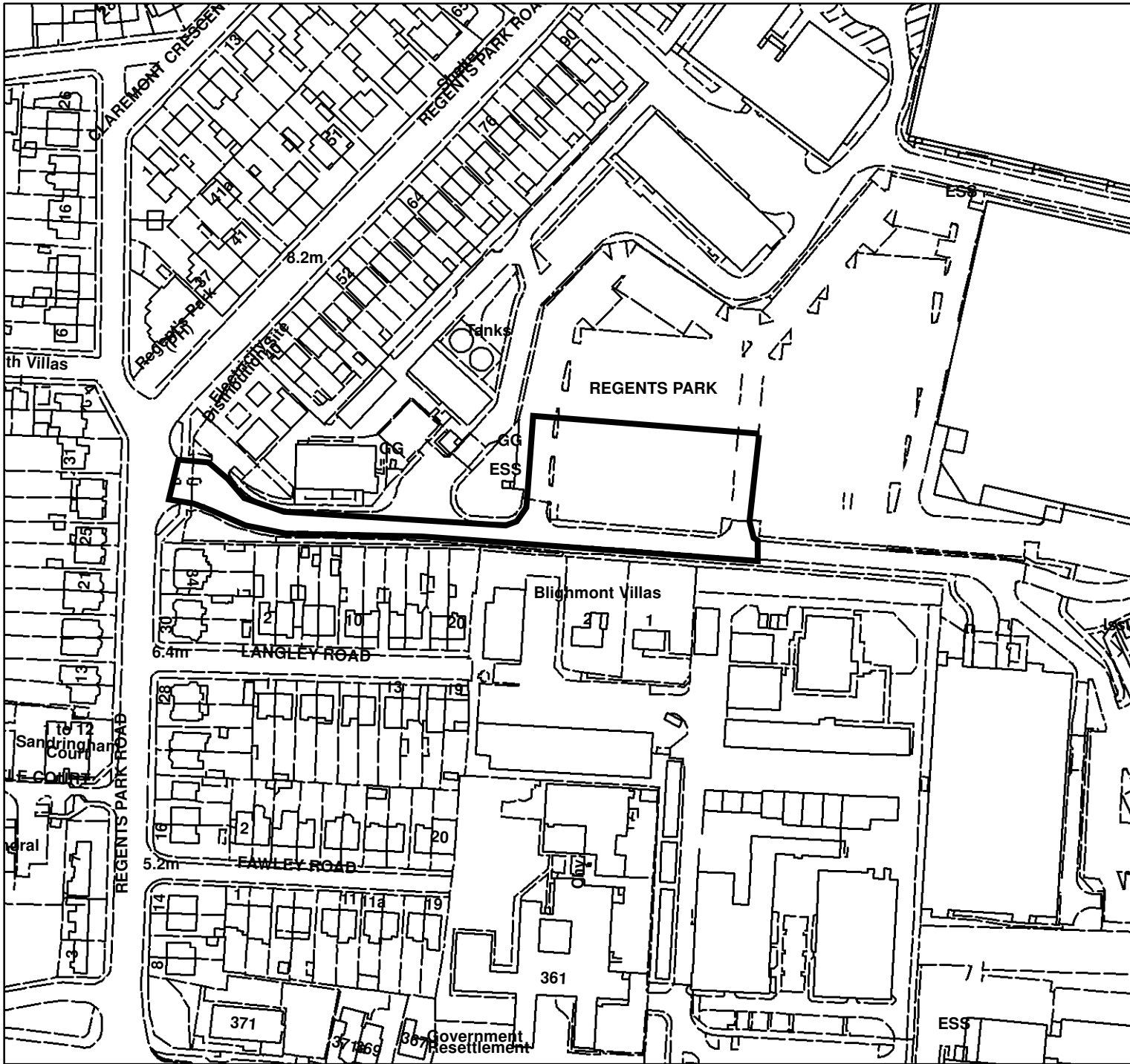
Sunday and recognised public holidays - **09:00** to 18:00

No deliveries shall take place during the following peak times on the highway network:

Monday - Friday 0800hrs to 0900hrs and 1600hrs to 1700hrs

Saturday 1330hrs to 1430hrs

Reason: To protect the amenities of the occupiers of existing nearby residential properties and in the interests of highway safety.



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Planning and Rights of Way Panel 3rd November 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 59 Burgess Road, Southampton			
Proposed development: Application for variation of condition 3 (Drainage - retaining wall) of planning permission ref 19/01530/FUL to alter the proposed drainage system.			
Application number:	20/00631/FUL	Application type:	FUL
Case officer:	Killian Whyte	Public speaking time:	5 minutes
Last date for determination:	21.10.2020	Ward:	Bassett
Reason for Panel Referral:	Referral from Ward Councillor	Ward Councillors:	Cllr Beryl Harris Cllr Les Harris Cllr John Hannides
Referred to Panel by:	Cllr Beryl Harris	Reason:	Poor Design. Drainage Issues.
Applicant: Mr & Mrs Akbar		Agent: Toldfield Architects Ltd	

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

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policy – CS13 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, SDP21 and SDP23 of the City of Southampton Local Plan Review (Amended 2015). Policies – BAS1 and BAS4 of the Bassett Neighbourhood Development Plan (2016), as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached

1 Development plan policies

Recommendation in Full**Conditionally approve**

1.	<u>The site, its context and background to the scheme</u>
1.1	The application site contains a semi-detached, two storey family dwelling house. The property is located in a residential area with predominantly detached and semi-detached dwelling houses and a suburban character that is located just north of the northern end of Southampton Common.
1.2	The dwelling sits within a large garden plot with large front driveway, fronting onto the busy route of Burgess Road. The driveway provides parking for at least 3 cars. At the rear boundary of the rear garden there is a large earth bank, which has been partially excavated and altered in recent years, with trees removed. The trees were not protected by TPO, so their removal did not require planning permission.
1.3	All Saints Lodge, neighbouring the site to the rear, is set approximately 2.4m above the application site. The Lodge building itself is set back approximately 20m from the rear boundary fence. No.3 Burgess Gardens adjoins the site to the West and the dwelling itself lies approximately 3.5m from the proposed retaining wall.
1.4	This application is for the variation of condition 3 of planning permission 19/01530/FUL which granted permission for the erection of a part single storey, part first floor rear extension and 2.4m high retaining wall. This decision was taken by the Planning panel on 12 th November 2019.
1.5	Condition 3 of that permission required the following details to be submitted: <i>Prior to the commencement of development, a scheme for drainage relating to the proposed retaining wall, including full details of the location, size and design of the proposed soakaway, and the perforated drainage pipe within the wall itself, shall be submitted to and approved in writing by the Local Authority. The drainage scheme shall be implemented in accordance with these approved details and retained thereafter.</i> <i>Reason: To ensure that surface water run-off is appropriately managed within the application site itself and does not cause flooding issues for neighbouring properties.</i>
2.	<u>Proposal</u>
2.1	The applicants have reviewed their drainage strategy and are seeking the Council's approval to change it. To do this they must vary condition 3. The

	retaining wall at the rear itself is 2.4m in height and approx. 14m in width, 0.35m in depth.
2.2	The drainage scheme, indicated on the previous proposals, was to use a soakaway system and perforated drainage pipe within the wall to drain excess water. This application seeks to change this strategy to provide weep holes within the wall at 75mm apart which would allow slow and controlled drainage within the existing site.
3.	<u>Relevant Planning Policy</u>
3.1	The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). Also of relevance to this application are policies within the Bassett Neighbourhood Development Plan (adopted 2016). The most relevant policies are set out at Appendix 1 .
3.2	Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context), SDP9 (Scale, massing and appearance) and SDP 21 (Water Quality and Drainage) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy, and Part 6 (Environmental sustainability) and 20 (Drainage) of the Bassett Neighbourhood Plan, assesses the development against the principles of good design and seek development which respects the character and appearance of the local area. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.
3.3	The National Planning Policy Framework (NPPF) was revised in 2019. 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.	<u>Relevant Planning History</u>
4.1	The most relevant planning history is the previously mentioned full application (19/01530/FUL) approved on the 13 th of November 2019 by the Planning and Rights of Way Panel for the Erection of a part single storey, part first floor rear extension and 2.4m high retaining wall. The proposals the subject of this application relate purely to the drainage treatment for the retaining wall. The proposals for the extensions and retaining wall shouldn't be reconsidered as part of this application. It is only the acceptability of the revised drainage strategy for the retaining wall that should be considered.

5.	<u>Consultation Responses and Notification Representations</u>
5.1	<p>Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report <u>6 representations</u>.</p> <p>The following is a summary of the points raised:</p>
5.1.1	<p>'Our concern is that our garden already suffers from flooding and we want to make sure that any proposed building work will not make the situation worse'.</p> <p><u>Response:</u> Impact of the revised drainage strategy will be discussed in the Planning Considerations below.</p>
5.1.2	<p>The updated proposal has 75mm diameter weep holes situated 1 metre apart. This is much more suitable to allow the water to equally disperse into the rear garden of 59 Burgess Road, similar to the way that it naturally drain and this would avoid diverting all the water into the corner point between the properties as the original application. However, the height of 2.4 metres could be stepped down to meet the new 1.8 metre fence erected along the property boundaries as per the original and current proposal'.</p> <p><u>Response:</u> This is discussed in the Planning Considerations below.</p>
5.1.3	<p>The plan shows 75mm weep holes at 1.25m and 200mm but does not show any perforated drainage pipe. Our objection is that it appears to have only one drainage escape point, in close proximity to our property. If provision has been made to spread the drainage across the whole of the full retaining wall this would be acceptable. A clearer drawing showing more details of any proposed weep holes/ perforation pipe would have helped to clarify the situation.</p> <p><u>Response:</u> Building Control and Southern Water have reviewed the detailed drainage drawings. The acceptability of the proposals will be discussed below.</p>
	<u>Consultation Responses</u>
5.2	Building Control: <i>'From my experience, the construction of the retaining wall looks quite robust and appears adequate'.</i>
5.3	Environmental Health: <i>'I can now confirm that we are supportive of the comments made by Southern Water and we would also recommend a condition that the developer must advise the Local Authority directly of the measures which will be undertaken to protect a private sewer if one is found during construction works'.</i>
5.4	Southern Water: <i>'Having considered the above proposal[s] submitted with the signed declaration of the self-certification document, Southern Water</i>

5.5	<p><i>finds the plan erection of a part single storey, part two storey rear extension is acceptable.</i></p> <p><i>The granted approval is based on the information provided by you on the self-certification document and any changes on site will require a further submission of details for approval:</i></p> <p><i>1. No structure (footings, walls etc.) running within 500mm from the existing public foul sewers/manholes will be permitted. Any proposed structure within 3.00 meters of the public sewers, must have foundations to a depth of at least 150mm below the invert level of the sewers/manholes. Care must be taken when working in the area of the public sewer to ensure no damage is caused. Any damages will be repaired at the client's expense.</i></p> <p><i>2. Any new connections to the public sewerage system will require a Section 106 connection application to be submitted and approved by Southern Water Services'.</i></p> <p>Sustainability (Flood Risk): <i>'No comments from Flood Risk Management. Drainage for the purpose of a retaining wall falls outside of the scope of Flood Risk Management may warrant consultation with Building Control'.</i></p>
5.6	<p>Cllr Beryl Harris (Ward Councillor, Bassett): <i>'Panel Referral 59 Burgess Road Bassett SO16 7AL.</i></p> <p><i>Should officers be of a mind to grant this application will you please pass it to the planning panel as there are many issues to discuss, which have been highlighted by The Bassett Neighbourhood Forum in a letter to you'.</i></p>
5.7	<p>Cllr John Hannides (Ward Councillor, Bassett): <i>'Residents have expressed serious concern about this application and feel there will be an adverse impact on neighbouring properties'.</i></p>
5.8	<p>PCC of the Parish of North Stoneham and Bassett: Objection:</p> <p><i>'The calculations assume that the water table will only be 200mm above the bottom of the toe which is not reasonable as the minimum that should be considered for the water table should be the level of the new proposed weep holes, which we believe would be 1250mm above the base of the toe. A reinforced concrete wall of this nature generally requires steel reinforcement in each face of walls and slabs to stop hydrostatic pressure which would result in the wall failing in sliding under this pressure'.</i></p> <p>Response: Further detail regarding the depth and type of foundations has been submitted by the applicant and these will be discussed below.</p>
5.9	<p>Bassett Neighbourhood Forum Planning Group: Objection-</p> <p><i>'In summary, it is felt that this proposal means that the applicants seek to do away with these 2 soakaways and to (i) Have water from behind the retaining wall emerge across the back of the garden onto the rear of #59 Burgess</i></p>

	<i>Road's garden. (ii) Have rainfall from extension roof be sent to an existing 4-inch foul water sewer which runs across the back of the properties on Burgess Road.</i>
	<i>We also have concerns that the cutting down trees could also cause significant problems: for years following the clearing of a site in which clay soils can gradually expand and absorbing the moisture no longer taken by the trees which could result in short term heave and possible longer-term contraction.</i>
	<i>Whilst we do welcome details of a planting scheme but reiterate our concerns as to how the plantings at the top of the wall can safely be maintained given that this would be "work at height".'</i> <u>Comments following submission of amended plans</u>
	<i>In terms of the updated plans, we restate our objection to the application as the concerns of the owners of no.3 Burgess Road regarding flood and diversion surface water run off to a foul sewer have not been addressed in these plans.</i>
	<i>There are no soakaways present in the most recent site plan. This site plan shows it will come through the holes in the wall onto their garden of No.59, where it won't drain and thus risks flooding garden and adjacent properties. There is also no obvious information about drainage from the western return and where this will be directed t'.</i>
	<i>The "up to date retaining wall elevation" drawing submitted is unclear. It suggests that the turn of the retaining wall at its western end against #3 Burgess Gardens has been removed to be replaced with an unsupported, single skin 1.8m high block wall (no piers so surely structurally unacceptable). This appears to conflict with the "up to date site plan" which suggests that this side wall is double skinned, like the rear wall. There is further clarification is requested for this'.</i>
	<i>'No information addresses how the backfill behind this return will be contained as it will be lying between the retaining wall and the timber fence of #3 Burgess Gardens! The plan clearly shows planting along the top of this wall, so it must be being backfilled to a height against a timber fence. This needs clarification / addressing'.</i>
	<i>The "up to date site plan" and wall elevation" both show an unsupported, single skin 1.8m high block wall at the eastern return against #27 Pointout Close. No supporting piers are shown, so surely this is structurally unacceptable and needs addressing'.</i> Response: This application can only be considered in terms of the changes to the drainage strategy. The removal of trees does not require planning permission. The principle of the retaining wall, its physical design does not fall for consideration. In addition, matters relating to the proposed

	landscaping, loss of trees and structural capability are not relevant considerations for this specific application. A decision has been taken to grant permission for the works and this application is simply to review an amendment to the proposed drainage strategy.
6.0	<u>Planning Consideration Key Issues</u>
6.1	The key issues for consideration in determining this planning application are: <ul style="list-style-type: none"> - Background/reason for imposing previous condition - Details of the new proposals - Impact on drainage network - Other Conditions
6.2	<u>Background/reason for imposing previous condition</u>
6.2.1	This application is for the variation of condition 3 of planning permission 19/01530/FUL which granted permission for the erection of a part single storey, part first floor rear extension and 2.4m high retaining wall. Condition 3 of that permission required the following details to be submitted: <p><i>Prior to the commencement of development, a scheme for drainage relating to the proposed retaining wall, including full details of the location, size and design of the proposed soakaway, and the perforated drainage pipe within the wall itself, shall be submitted to and approved in writing by the Local Authority. The drainage scheme shall be implemented in accordance with these approved details and retained thereafter.</i></p> <p><i>Reason: To ensure that surface water run-off is appropriately managed within the application site itself and does not cause flooding issues for neighbouring properties.</i></p>
6.2.2	The condition was imposed following review of the proposed retaining wall and drainage schemes by a Building Control officer, who was satisfied that the design has been drafted by a qualified engineer with recognised structural calculation software. The condition however required approval of further details of the drainage pipe and soakaway conditions. It was stated within the previous Panel Report (November 2019) that the proposals were considered to be acceptable in terms of land stability and drainage requirements subject to these conditions.
6.2.3	The previous proposals relied on a perforated drainage pipe built within the retaining wall, which drained excess water away from the retaining wall to a soakaway within the garden. There was also an additional soakaway to the rear of the property for collating excess surface water from the existing property. This application seeks an alternative drainage strategy.
6.3	<u>Details of the new proposals</u>

6.3.1	<p>In producing a drainage strategy for the retaining wall and extensions, the applicant commissioned Ground Conditions Consultants to undertake infiltration testing within the site to assess the suitability of a soakaway system. Two locations were identified, one in close proximity to the proposed retaining wall and one closer to the application property. According to the infiltration testing results:</p> <p><i>‘Standard BRE DG365, 2016 states that for an accurate infiltration rate to be obtained, a soakage pit needs to be filled three times in quick succession. Each test is completed once 75% of the water present has drained away....The infiltration rate in these 2 trial-pit was very slow and did not complete within the working day. The water level in SA2 (the trial hole near the retaining wall) dropped initially by 23% as the voids in the surrounding soil filled than remained static for one hour before dropping 33% in the subsequent four hours.’</i></p>
6.3.2	<p>These results were passed on to the applicant’s Engineers and subsequently recommended that:</p> <p><i>‘With regards to the drainage related to the rear retaining wall, we would recommend min. 75mm diameter weep holes to the retaining wall at 1m spacings, this would discharge the water behind the wall and any water would then discharge into the ground.’</i></p>
6.3.5	<p>The drainage strategy for the retaining wall has therefore been revised in view of this advice to avoid draining to a specific soakaway. The revised strategy incorporates, whereby the wall would contain 75mm diameter weep holes at 1m spacings, which would discharge excess water behind the wall into the ground, as per the existing situation. The benefit of this strategy is that excess water would not be concentrated in one place and lead to flooding. It would disperse the water around various points of the site and thereby represent a no worse situation than existing for surface drainage in this part of the garden.</p>
6.4	<p><u>Impact on drainage network</u></p>
6.4.1	<p>Part 6.6 on Environmental sustainability of the 2016 Bassett Neighbourhood Plan states that where there is new development or re-development every effort must be made to ensure the drainage is capable of coping with extra and peak flows. Furthermore, part 20 of the 2016 Bassett Neighbourhood Plan acknowledges that there is poor drainage in a few areas of Bassett due to poor drainage pipework. Part SDP 21 on the Local Plan on Water Quality and Drainage says that in ensuring that adequate surface water and foul sewage drainage/ treatment is available prior to development commencing.</p>
6.4.2	<p>As can be observed from the policies within the Bassett Neighbourhood Plan, and the comments made by the Bassett Neighbourhood Forum Planning Group and neighbouring properties, there is known to be high levels of ground water within Bassett and in such areas the Development Plan policies require full potential for the use of sustainable drainage options such as</p>

	<p>green roofs, porous pavements, and other measures to minimise surface water should be explored. The infiltration and percolation tests undertaken by the applicant confirmed that surface water would have increased through the soakaway system, with the perforated drainage pipe directing surface water to a specific point within the garden. This would have led to an increase flooding issues across the site. The revised strategy seeks to replicate the existing arrangement whereby rainwater would be dispersed evenly across the site. Weep holes are introduced within the retaining wall at even spacings which replicate that existing drainage arrangement in allowing water to drain into the ground from where it falls. The use of permeable material such as the use of free draining pea shingle and gravel within the backfill area between the wall and the rear boundary, also supports this revised drainage strategy. As well providing an acceptable drainage solution within the site, this approach would also not worsen the existing situation to neighbouring properties.</p>
6.4.3	<p>The Council's Building Control Officers have reviewed the revised drainage proposals and have confirmed that they are acceptable and represent an improvement on the previous scheme. Southern Water do not comment on the retaining wall drainage scheme, however they have confirmed that the proposals to discharge into the existing foul and surface water system are acceptable in this instance. On the above basis it is considered that the revised drainage strategy represents a suitable and acceptable drainage solution for the retaining wall and complies with the requirements of the Bassett Neighbourhood Plan and the relevant Local Plan policies.</p>
6.5	<p><u>Other Conditions</u></p>
6.5.1	<p>In determining planning applications under Section 73 of the Town and Country Planning Act 1990 (as amended), the effect of issuing permission is that a new consent for the whole development. However only the condition the subject of the S73 application and its associated material impacts should be considered. When issuing planning permission under 19/01530/FUL 13 conditions were attached, including several pre commencement conditions which required further details to be submitted relating to a construction method statement (Condition 4), Materials - retaining wall (5), Replacement planting scheme (6) and Retaining wall implementation timetable (8). These details were submitted and approved under discharge of condition application 20/00206/DIS. Therefore the details approved under the discharge of condition application will be applied and referenced within the conditions of this S73 application (20/00631/FUL).</p>
7.	<p><u>Summary</u></p>
7.1	<p>In summary, the proposed drainage strategy amended under this S73 application is considered to be acceptable and would not result in an increase of flooding and surface water within the site or neighbouring properties above the existing situation. This view has been reinforced b by the Council's Building Control Officers. Therefore the proposals would</p>

	comply with the relevant Development Plan policies and the application is recommended favourably.
8.	<u>Conclusion</u>
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) (g) 4.(f) (vv) 6. (a) (b)

KW for 03/11/2020 PROW Panel

Conditions:

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than 14th November 2022.

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

02. Approved Plans

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

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

03. Details of building materials - Retaining Wall – AMENDED BY THIS PERMISSION

The development hereby approved shall be carried out in accordance with approved Retaining Wall Landscape Plan, Ref: 190602, Date: 26.05.2020 submitted under application 20/00206/DIS and no variation shall be made without prior written consent of the Local Planning Authority.

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.

04. Construction Method Statement

The development hereby approved shall be carried out in accordance with approved Construction Method Statement submitted and approved under Ref: 19602, Date: 16.07.2020 submitted under application 20/00206/DIS and no variation shall be made without prior written consent of the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

05. Replacement planting scheme (Pre-Commencement)

The development hereby approved shall be carried out in accordance with approved Retaining Wall Landscape Plan, Ref: 190602, Date: 26.05.2020 under application 20/00206/DIS and no variation shall be made without prior written consent of the Local Planning Authority.

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

06. Implementation Timetable - Retaining Wall

The development hereby approved shall be carried out in accordance with approved Retaining Wall Implementation Plan REV A 16/07/2020 submitted under application 20/00206/DIS and no variation shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure a timely resolution to the current unauthorised works on site and to ensure existing land stability issues are addressed in a timely manner.

07. Obscure Glazing (Performance Condition)

All windows in the side elevations, located at first floor level and above of the hereby approved development, shall be obscurely glazed and fixed shut up to a height of 1.7 metres from the internal floor level before the development is first occupied. The windows shall be thereafter retained in this manner.

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

08. Materials as specified and to match (Performance Condition)

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof relating specifically to the construction of the extensions to the main dwelling hereby permitted, shall be as specified on the approved plans. Where there is no materials specification on the approved plans, the materials shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

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

09. Use of uncontaminated soils and fill (Performance)

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

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

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

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

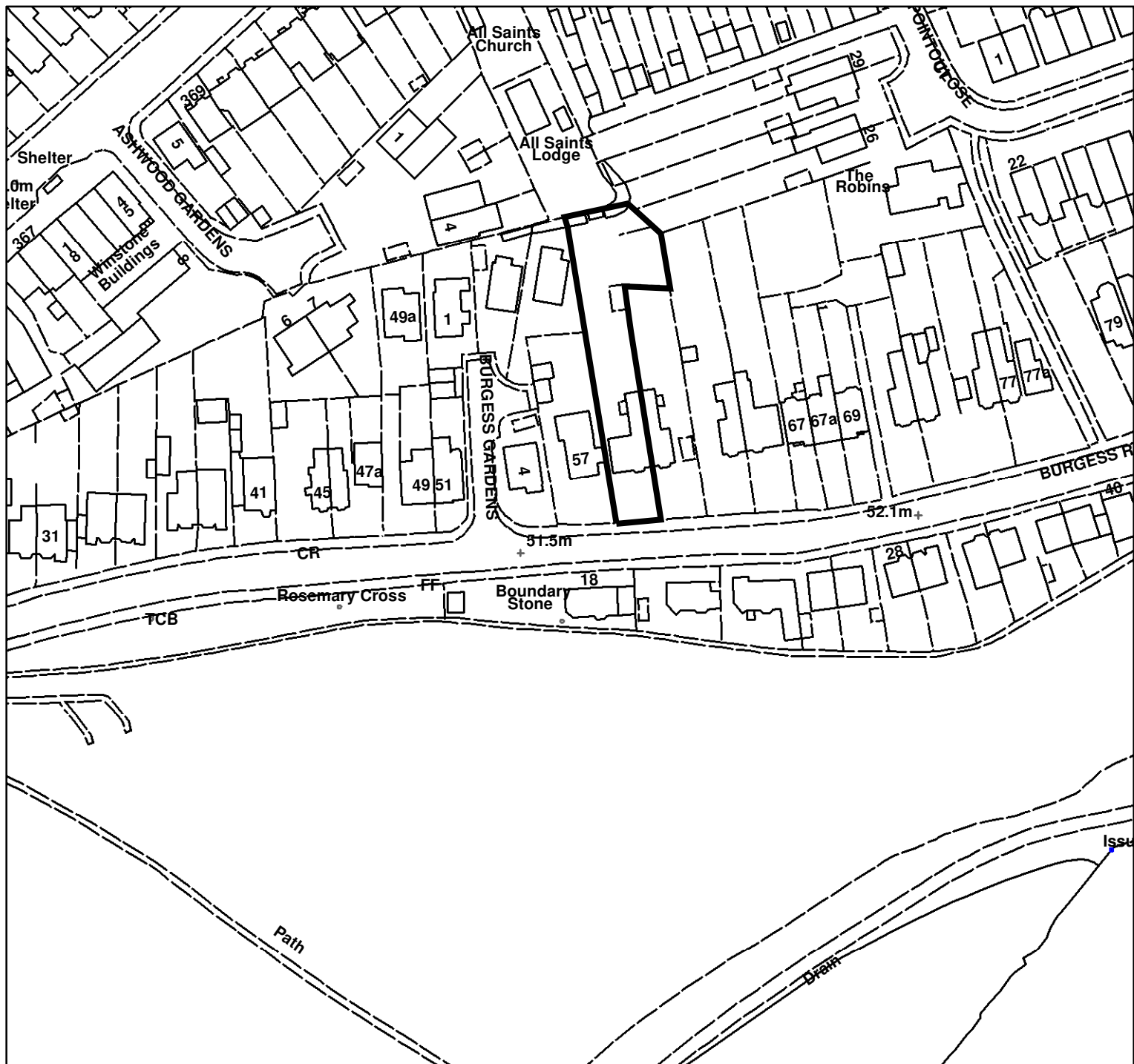
Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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



Scale: 1:1,250



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