

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

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

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

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

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

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

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in Appendix 2 of this report.
2. Delegate to the Service Lead to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Either a scheme of measures or a financial contribution towards Solent Disturbance Mitigation Project to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - iv. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - v. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013); and
 - vi. Off-site affordable housing contribution based on the DVS Viability Assessment dated 21st September 2018 in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).

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

Background

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

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

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

1 The site and its context

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

2 Proposal

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

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

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

3 Relevant Planning Policy

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

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

4. Relevant Planning History

- 4.1 There is no relevant planning history.

5 Consultation Responses and Notification Representations

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

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

5.2 Loss of Youth Centre and home for KK Dance

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

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

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

5.4 Increased congestion on Bitterne Road East

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

5.5 Loss of trees

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

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

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

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

Consultation Responses

5.10 SCC Highways

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

5.11 SCC Tree Officer: Objection

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

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

5.12 **Ecology:**

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

5.13 **Urban Design Manager**

5.13.1 No objection

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

5.14 **SCC Land Contamination**

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

5.15 **Archaeology:**

5.15.1 No objection

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

5.16 **Environmental Health:**

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

5.17 **SCC Flood**

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

5.18 **SCC Sustainability Team**

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

5.19 **Southern Water:**

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

5.20 **City of Southampton Society:**

5.20.1 Positive and negative comments provided.

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

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

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

6. Planning Consideration Key Issues

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

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

6.2 Principle of Development

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

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

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

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

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

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

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

7 Summary

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

8 Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

AG for 13/11/2018 PROW Panel

PLANNING CONDITIONS to include:

01. Full Permission Timing Condition (Performance)

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

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

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

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

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

03. Residential - Permitted Development Restriction (Performance Condition)

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

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

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

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

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

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;

- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

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

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

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

05. Tree Retention and Safeguarding (Performance Condition)

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

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

06. Retention of trees (Performance Condition)

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

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

07. No storage under tree canopy (Performance)

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

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

08. Ecological Mitigation Statement (Pre-Commencement)

The development shall be carried out in accordance with the programme of habitat and species mitigation and enhancement measures as set out in the submitted Phase 1 Ecological Survey Dated June 2017 and Bat Survey Dated June 2018 which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

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

09. Parking (Pre-Occupation)

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

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

10. Road Construction (Pre-Commencement)

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

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

Reason:

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

11. Sightlines specification (Performance)

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

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

12. Energy & Water (Pre-Commencement)

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

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

13. Cycle storage facilities (Pre-Commencement Condition)

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

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

14. Refuse & Recycling (Pre-Commencement)

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

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

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

15. Energy & Water (performance condition)

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

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

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

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

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

Reason

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

17. Demolition Statement (Pre-Commencement)

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

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

18. Construction Management Plan (Pre-Commencement)

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

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

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

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

19. Noise & Vibration (Performance)

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

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

20. Bonfires (Performance Condition)

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

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

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

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

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

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

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

22. APPROVAL CONDITION - Land Gas Hazard [Pre-Commencement Condition]

The site shall be assessed to determine the risks presented by land gases and where appropriate suitable gas protection shall be installed. In the absence of any further quantitative assessment of land gas risks the development shall include land gas protection measures that will prevent the;

- ingress of land gas into the building and
- the accumulation of land gas levels to dangerous levels.

Details of the gas protection scheme and validation of its implementation must be submitted to the Local Planning Authority for their approval prior to implementation and use.

Reason:

To protect the property from any risks presented by sources of land gas identified in the vicinity of the development.

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

On completion of the agreed remediation actions detailed in the Remediation Strategy (ref: 1CO104088/P3/R0) in a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Reason:

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

24. Use of uncontaminated soils and fill (Performance)

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

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

25. Unsuspected Contamination (Performance)

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

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

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

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

Reason: To ensure satisfactory drainage provision for the area.

27. Amenity Space Access (Performance)

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

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

28. Approved Plans

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

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