

Planning and Rights of Way Panel 23rd June 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: 12-14 Queens Terrace, Southampton			
Proposed development: Demolition of existing chapel building and formation of 6 new parking bays (part retrospective)			
Application number:	19/02107/FUL	Application type:	FULL
Case officer:	Anna Lee	Public speaking time:	5 minutes
Last date for determination:	30.06.2020 (Extension of Time Agreed)	Ward:	Bargate
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors:	Cllr Bogle Cllr Noon Cllr Paffey
Applicant: Oakdene Construction		Agent: Studio Four Architects Ltd	

Recommendation Summary	Conditionally approve
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations such as character of the conservation area, residential amenities and highway safety 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). Policies –CS13, CS14, CS18, CS19, CS20 and CS23 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP11, SDP12, SDP13, SDP14, SDP15, SDP16, SDP17, HE1, HE2, HE6 and H2, of the City of Southampton Local Plan Review (Amended 2015). Policies – AP15, AP16 and AP18, Oxford Street Conservation Areas Appraisal October 2010 as supported by the relevant sections of the NPPF (2019)

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally Approve

1. The site and its context

- 1.1 The site is a very attractive, art deco style, three-storey flat roofed building that used to be a seafarers centre and was last used for offices. The site is located within the city centre boundary and faces Queens Park, which is a Hampshire Registered Park, and also lies within the Oxford Street Conservation Area.
- 1.2 The existing building on site is currently being partially redeveloped to provide an extension to first and second floors, with the erection of 3 additional floors to facilitate conversion of the building (at first and second only) into 27 flats (7x 2-bed, 15x 1-bed and 5x studio) with associated cycle/refuse storage approved under delegated authority. This approval included the conversion and extension to the chapel to the rear, but not its demolition. The ground floor is to remain for office use due to the flood risk.
- 1.3 The site is within area identified for office use within the Council's adopted Development Plan and, when taking into account climate change and sea-level rise, will become at risk of tidal flooding within the 100 year lifetime of the development.

2. Proposal

- 2.1 Retrospective planning permission is sought to demolish the existing chapel to the rear, which benefits from planning permission to be converted into flats, and replace it with six car parking spaces to serve the consented scheme for flats. The car parking area is to be enclosed by a brick wall. In addition, landscaping areas are shown on the plan to break up the parking. Although some landscaping currently exists on site, further planting and details will be secured via condition.
- 2.2 Whilst full planning permission is required for the demolition of buildings within Conservation Areas, without planning permission, the chapel has already been demolished. This application is, therefore, part retrospective as the parking area is not completely finished. The approved residential scheme provided no parking for the residents. The access to the parking is via an existing access from Orchard Place. The approved amenity space for the units will remain as approved.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 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. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 The site is currently being redeveloped as approved under planning permission 17/00914/FUL granted in 04.12.2018 and is nearly complete. The building is being converted and extended to provide residential accommodation at first and second floor with the addition of a further three floors. The ground floor is to remain an office

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 (**14.01.2020**) and an advertisement in the local press on (**17.01.2020**). At the time of writing the report, **5** representations have been received from third parties, but they are not from neighbouring properties. The following is a summary of the points raised:
- 5.2 ***The proposal does not respect the conservation area nor the adjacent park and poor design as the removal of chapel results in a car park***

Response

The chapel was located to the rear of the site and although it did form part of the conservation area it was not viewable from a public vantage point and was not a listed building. Many of the properties on that part of Queens Terrace have parking to the rear accessed via Orchard Place. Therefore, the introduction of further parking would not look out of keeping.

- 5.3 ***The chapel has already been removed without consent which is unacceptable.***

Response

The removal of the chapel without permission is unfortunate, and its demolition without permission is not endorsed by officers. That said, the merits of the removal of the building still needs to be assessed as part of this application and is discussed, in detail, below.

Consultation Responses

5.4 SCC Historic Environment Team – No Objection

The total loss of the Chapel building has led to the loss of a non-designated heritage asset and has diluted the heritage interest of this part of the conservation area. This approach would not normally be supported from a conservation perspective. However, the previous heritage consultant responding to the wholesale redevelopment of the site under 17/00914/FUL raised no objections to altering the Chapel to facilitate its conversion, which included the demolition of the cloister and alterations to its roof. Therefore, whilst it is my opinion that the heritage interest of the Chapel building (and its association with the former memorial garden and the Seamans Mission) appears to have been underestimated in 2017, the reality is that the building has regrettably now gone from the site in its entirety, its demolition was not systematically recorded, and

had the previously approved conversion scheme of the Chapel been implemented, the works would have severely diluted the buildings external character and setting. This all means that the heritage interest once attached to the building has been lost, and in the absence of any original construction details, it would be difficult to justify or enforce the rebuilding of the Chapel on heritage grounds on this occasion. Similarly, a car park would be a surface treatment that would have a neutral impact on the conservation area and whose development would not be sufficient on its own merits to sustain a refusal of the scheme on heritage grounds.

Notwithstanding this, should you be minded to approve the proposals, the applicant must not be seen to profit from undertaking unauthorised works that has led to the loss of a heritage asset and it is suggested that appropriate conditions be attached restricting the use of the site in terms of future development.

5.5 **SCC Highways – No objection**

The impact of 6 parking spaces for a residential use which has already been consented by a separate application is not considered to cause significant impact on the highway but the vehicular movements may increase. The vehicular access already exists which also serves multiple parking spaces for other units and fronts onto a relatively quiet road where accident history data does not show any obvious patterns to suggest it is unsafe. The internal car park layout shows sufficient space which should allow for on-site turning. Overall, there will be no highway objections to this application.

5.6 **SCC Archaeology– No objection**

The site is in Local Area of Archaeological Potential 8 (City Centre and Itchen Ferry), the chapel would be non-designated heritage assets under the National Planning Policy Framework. The proposed development involves demolition of the existing chapel building. Building recording was carried out on the chapel associated with consent 17/00914/FUL (the report is not yet finished). The Council's Archaeologist request that a DEMOLITION CONDITION be put on the consent to ensure that demolition only takes place to the existing ground surface/ground slab or top of foundations, and that foundations are not grubbed out. Grubbing out of foundations will damage underlying deposits of potential archaeological significance. In addition, preparation of the ground for the new tarmac surface may disturb underlying deposits. Therefore details of the proposed depth of groundworks required for this. If no further details are forthcoming before consent is granted, the following archaeological conditions are requested:
Archaeological investigation
Archaeological work programme

Officer comment:

The chapel has been completely removed including the foundations so a condition cannot be imposed to control the demolition.

5.7 **SCC Environmental Health (Pollution & Safety)- No objection**

The Environmental Health Team have no objections subject to a condition seeking a construction environment management plan.

5.8 **SCC Air Quality – No comment received**

Officer comment

No consultation response received but if one is provided the Panel will be updated on this matter. At the time of writing officers do not consider that the introduction of 6 parking spaces will have a significant impact on air quality in the City.

5.9 **City of Southampton Society (CoSS) – Objection**

Initial comment

We object in the strongest possible terms to the changes in the previously agreed planning application 17/00914/FUL. In that application there was a last minute change in plans to demolish the chapel and replace it with 2 new build duplex units rather than convert the chapel into 3 duplex units. Had we been aware of these change in plans we would have objected most strongly.

However within 24 hours of the revised planning application being approved the chapel had been demolished. This new application now seeks to replace the new build units on the site of the old chapel with car parking spaces. There is no way that permission would have been granted to demolish the chapel and replace it with car parking spaces. This is a clear abuse of the planning system by the developers and **MUST NOT BE APPROVED**

Officer comment:

Two duplex units were previously approved in the chapel to the rear with modifications to the original building. The wholesale demolition of the Chapel has not been previously consented. Whilst officers do not condone the unauthorised demolition of the Chapel the Panel will note that they have to determine the application before them. The Chapel is lost and was not a listed building; refusing the application for car parking because the applicant should not have demolished the Chapel without consent is not a sustainable objection at appeal.

CoSS - Revised comment following additional information including a structural report

The feeling of the City of Southampton Society is that the two previous applications were approved without provision of car parking. The fact that the developer has only just realised that this will impact on their sale-ability is not a planning issue and the original decisions to grant permission without car parking should stand.

6.0 **Planning Consideration Key Issues**

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

- The impact on the character and appearance of the Conservation Area;
- The effect on residential amenity and;
- Parking highways and transport.

6.2 **The impact on the character and appearance of the Conservation Area**

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

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

In accordance with para 189 of the NPPF, an assessment of the significance of the nearby heritage assets is set out in the Council's Conservation Area Appraisal.

6.2.2 The Council's Oxford Street Conservation Area Appraisal confirms that;

'Designation of the Oxford Street Conservation Area does not prevent change from taking place. Rather it helps to manage change in a way that enhances the area, and ensures that new development does not harm, overwhelm or destroy the special qualities found within it, by giving additional controls over the demolition of buildings, minor developments and the loss of trees.'

6.2.3 The Appraisal confirms that the site, as a whole, *'makes a positive contribution'* to the Conservation Area. However, the existing building is not Listed and the position of the Chapel meant that it was not readily visible from public vantage points. As such, the Chapel had a limited impact on the character of the Conservation Area, as perceived from the public realm. The previous application, therefore, consented significant alterations to the Chapel, which the Council's current Historic Environment officer advises would have diluted the building's character and setting. On this basis, even if the Chapel were not demolished at this point, the planning history, which can be afforded significant weight, means that it would have been difficult to justify the retention of the Chapel on heritage grounds. As such, it is considered similarly difficult to withhold planning permission for the retrospective demolition of the structure.

6.2.4 The formation of car parking would not appear out of keeping with the character of the Conservation Area, as it is fairly typical for rear car parking courts to be found within the locality. On this basis, overall it is considered that the proposal would have a neutral impact on the Conservation Area and would, therefore, preserve its character and can be supported.

6.2.5 Policy HE2 states permission will only be granted if the proposal meets the following;

- (i) the building does not make a positive contribution to the area's character or appearance as assessed against the area character appraisal where available; or
- (ii) the condition of the building and the cost of repairing and maintaining it outweigh its importance, and every possible effort has been made, without success to continue the existing use or to find a suitable alternative use.

Submitted evidence from the applicant's structural engineer, following the grant of permission for its conversion, indicates that the chapel could not be altered to be reused without concerns over safety as set out below;

The proposed alterations to the chapel required the removal of the reinforced concrete roof slab, and the cracking to the ground floor slab required the removal of this also. Removal of the roof slab proved to be difficult as the slab was well tied into the brick walls and as the slab was demolished, bit by bit, cracks developed in the walls. The south side wall was found to be badly cracked and unstable and we advised it be taken down immediately as it posed a danger. The north side wall was also unstable as a result to the loss of restraint to the top of the wall from the slab and also due to the storey-height windows which effectively rendered parts of the wall into a series of short, tall, slender panels. The north side wall was on the boundary, so we recommended that this was also removed on safety grounds.

6.2.5 *Therefore, the chapel's removal complies with the second criteria of policy HE2 and therefore, although disappointing, the proposal complies with adopted policy and therefore a refusal on this basis cannot be supported on policy grounds. On this basis, it is hard to justify a development that is deemed to provide a 'neutral' impact is not in accordance with section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and as such the proposal is supported.*

6.3 Effect on Residential Amenity

6.3.1 The removal of the building has resulted in the sole shared amenity area being sited adjacent to the proposed car parking spaces. However, the limited number of parking spaces and boundary treatment to the parking area maintains the usability and quality of the amenity space area. The introduction of parking to the rear will not result in a detrimental impact on neighbouring occupiers as the spaces are appropriately distant from the adjacent buildings. Parking to the rear of the site mimics the previous situation where the rear area was mainly laid out as a car park. The proposal is, therefore, considered to be acceptable in this respect.

6.4 Parking highways and transport

6.4.1 The proposal provides parking for the recently approved units which is acceptable in principle. The level of car parking provided does not exceed the Council's maximum standards as set out the Parking Standards Supplementary Planning Guidance.

6.4.2 The layout of the car parking area complies also complies with the Parking Standards Guidance and would make use of an existing access, which the highways team advise is acceptable.

7. Summary

7.1 The proposal is submitted after the unauthorised demolition of the unlisted chapel building, which is disappointing and the concerns raised by the City of Southampton Society are understood, but subsequent evidence has been provided to demonstrate the reasoning behind its removal. Furthermore, the back-land position of the structure, the consented alteration and the fact it was not statutorily listed means that its retention would have been difficult to justify. The provision of car parking to replace the chapel is supported in principle and the impact is reduced by the brick wall to reduce the visibility of the cars and the proposed landscaping to break up the hardstanding nature of that part of the site.

Therefore, the proposal is consistent with adopted local planning policies and the National Planning Policy Framework.

8. Conclusion

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

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

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

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PLANNING CONDITIONS

No commencement condition required as the works have already started.

1. Parking and sightlines(Performance)

The parking spaces and sightlines hereby approved shall be 2.4m wide by 5m deep and shall be retained in perpetuity. In addition the parking spaces shall only be occupied in connection with the residential units at 12-14 Queens Terrace and for not for any other use unless agreed otherwise in writing by the Local Planning Authority.

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

2. Archaeological investigation (Performance)

Unless agreed otherwise in writing by the Local Planning Authority no further work shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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

3. Archaeological work programme (Performance Condition)

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological investigation is completed.

4. Construction Management Plan (Pre-Commencement)

Before any further 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.

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

Notwithstanding the submitted details, within three months of the date of the decision a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. planting plans; written specifications, schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. means of enclosure, and;
- iii. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall take place during the first planting season or 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.

6. Approved Plans (Performance)

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

Reason:

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

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS23	Flood Risk

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
HE1	New Development in Conservation Areas
HE2	Demolition in Conservation Areas
HE6	Archaeological Remains
H2	Previously Developed Land

City Centre Action Plan

AP 15	Flood resilience
AP 16	Design
AP 17	Tall buildings

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)
Oxford Street Conservation Area Appraisal (2010)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

RELEVANT PLANNING HISTORY

Case Ref	Proposal	Decision	Date
1459/P11	Change of use to offices on the 1st and 2nd floors.	Conditionally Approved	12.06.1973
1081/26	Memorial Garden and Arcade.		21.02.1956
951072/E	Installation of replacement windows on 1st and 2nd floor front elevation.	Conditionally Approved	09.11.1995
970788/E	Erection of a first floor side extension and alterations to provide 2 units of accommodation meeting room, conference room and garden room and garden room	Conditionally Approved	09.10.1997
990253/E	Construction of a single storey extension.	Conditionally Approved	23.06.1999
17/00914/FUL	Major development comprising an extension to first and second floors and erection of 3 additional floors to facilitate conversion of office (at first and second only) into 27 flats (7x 2-bed, 15x 1-bed and 5x studio) with associated cycle/refuse storage.	Conditionally Approved	04.12.2018
18/02275/DIS	Application for approval of details reserved by conditions 12 (Archaeological structure recording) and 14 (Construction Management Plan) of permission ref: 17/00914/FUL for extension and erection of 3 additional floors for conversion into 27 flats.	Split Decision	09.04.2019
19/00558/DIS	Application for approval of details reserved by conditions 2 (Materials), 4 (Refuse Management Plan), 8 (Landscaping) and 12 (Archaeological structure recording) of planning permission ref: 17/00914/FUL for extension and erection of 3 additional floors for conversion into 27 flats.	No Objection	08.08.2019
19/01059/DIS	Application for approval of details reserved by conditions 9 (energy and water) and 11 (public sewer protection) of planning permission ref 17/00914/FUL for 27 flats	No Objection	11.03.2020
19/01862/DIS	Application for approval of details reserved by condition 17 (surface/ foul water drainage) of planning permission ref 17/00914/FUL for 27 flats	No Objection	18.12.2019